

RUSSIAN MARITIME REGISTER OF SHIPPING



APPROVED

Director General
K.G. Palnikov
12.11.2020

Guidelines on Inspection of Seafarers and Fishers Work and Rest Conditions ND No. 2-080101-014-E

Implemented since: 09.03.2021

"Thesis" System No. – 20-262264

Developed by: 332

**St. Petersburg
2020**

Annotation

As compared to the previous edition, the present edition of the Guidelines on Inspection of Seafarers and Fishermen's Work and Rest Conditions have been amended as follows:

1. The Guidelines have been renamed.
2. The inspection plan shall be sent to the shipowner / owner of the fishing vessel for agreement in advance.
3. The following normative documents have been incorporated into the Guidelines:
 - Guidelines on inspection of Seafarers and Fishermen Work and Rest Conditions for compliance with the 2007 Convention of Work in Fishing.
 - Procedure for handling of seafarer complaints alleging breaches of the requirements of the 2006 MLC Convention, ND No. 2-080203-001
 - Procedure for issuing to the ship owner of Part I of the Declaration of Compliance with Labor Standards in Maritime Navigation, ND No. 2-080203-002.
4. Editorial amendments have been introduced.

1. Scope of application

- 1.1 The present Guidelines on Inspection of Seafarers and Fishers' Work and Rest Conditions (hereinafter referred to as "the Guidelines") shall define the procedure for compliance of working conditions and rest for seafarers on board ships with the requirements of the Maritime Labour Convention, 2006, (hereinafter referred to as MLC), as well as fishers for the compliance with the ILO Work in Fishing Convention 2007 (hereinafter referred to as the 2007 Fishery Convention).
- 1.2 The Guidelines shall determine the procedure for issuance of the following:
 - 1.2.1 The Guidelines shall determine the procedure for analysis and registration of the requests for the ships/fishing vessels' inspections for the compliance with issuing Maritime Labour Certificate (hereinafter referred to as the Certificate) or the Statement of Compliance for a ship complying with the MLC requirements, as well as the procedure for reviewing and certifying Part II in the Declaration of Maritime Labour Compliance (hereinafter referred to as the Declaration) in accordance with the requirements of MLC Regulation 5.1.3.
- 1.3 The Guidelines shall be intended to be used by the RS employees carrying out the on-board MLC inspections for compliance therein and the national laws and regulations in regard to seafarers' working and living conditions.
- 1.4 The document shall be developed in the Russian and English languages, an original copy shall be supported in electronic format.
- 1.5 The Guidelines shall be a normative document for the Heads of RHO Locations 002, 340, 332, as well as the RS Branch Offices 100 and 200.

2. Normative references

- 2.1 During development of the Procedure, the requirements of the following normative documents have been taken into consideration:
 - 1) ND No 1-0301-023-E – Maritime Labour Convention, 2006;
 - 2) ND No. [1-0301-041-E](#) – Work in Fishing Convention, 2007 (No. 188), as amended;
 - 3) ND No. 1-0303-005-E – Guidelines for flag State inspections under the Maritime Labour Convention, 2006;
 - 4) ND No. 1-0223-129-E – Guidance on DMLC Part II review, inspection and certification under the Maritime Labour Convention, 2006.
 - 5) ND No. 1-0227-036-E – IACS PR No.36 "Transfer of Maritime Labour Convention, 2006 Certification".
 - 6) ND No. [1-0227-040-E](#) – IACS PR No.40 "Procedural Requirements for MLC, 2006 Certification".
 - 7) ND No. [1-0227-132-E](#) – IACS recommendation No.132 " Human Element Recommendations for structural design of lighting, ventilation, vibration, noise, access & egress arrangements".
 - 8) ND No. [1-0901-1002-E](#) – IMO resolution MSC.349(92) "IMO Code for recognized organizations (RO Code) ";
 - 9) IMO resolution A.1052(27) "Procedures for Port State Control, 2011";
 - 10) ND No. 2-060101-001-E – Quality Manual;
 - 11) ND No. 2-040101-002-E – General Conditions for Rendering Services by Russian Maritime Register of Shipping;
 - 12) ND No. 2-040101-012-E – Instructions for Issue of Contract Documentation in RS upon Concluding and Performing Contracts;
 - 13) ND No. 2-060203-027-E – Procedure for Reviewing Requests for RS Services;
 - 14) ND No. 2-060203-028-E – Procedure for Control of Quality Records;
 - 15) ND No. 2-080101-017-E – Guidelines on Inspection of Crew Accommodation;
 - 16) ND No. 2-080501-007-E – Procedure for Selection, Training and Certification of ILO Inspectors;

- 17) ND No. 2-080203-001-E – Procedure for Handling Seafarer Complaints with regard to Violation of Requirements of the Maritime Labour Convention, 2006;
- 18) ND No. 2-060102-002-E – Procedure for RS Performance Evaluation and Improvement;
- 19) ND No. 2-049901-001-E – Procedure for Application of the RS Document Forms to be Issued During Technical Supervision.

3.Terms. Definitions. Abbreviations

In the text of the present Guidelines the terms, definitions and abbreviations set in the texts of MLC/ WFC, ND No. 2- 060101- 001- E – Quality Manual, as well as other normative documents based for the Guidelines development are used. Other terms, definitions and abbreviations used in the present Guidelines are set below.

3.1Terms and definitions

- 1) **Basic pay or wages** mean the pay, however composed, for normal hours of work. It does not include payments for overtime worked, bonuses, allowances, paid leave or any other additional remuneration.
- 2) **Fishing vessel owner** means the owner of the fishing vessel or any other organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the vessel from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on fishing vessel owners in accordance with the Convention, regardless of whether any other organization or person fulfils certain of the duties or responsibilities on behalf of the fishing vessel owner
- 3) **Date of the MLC entry into force** means the date when the MLC requirements may be applied to ships specified in par. 1 of the MLC Regulation 5.1.3.
Note. MLC came into force on 20 August 2013 for the Member States which had ratified the Convention before 20 August 2012. The MLC shall come into force for any Member State 12 months after the date of registration of its instrument of ratification;
- 4) **Date of the WFC entry into force** means when the WFC requirements may be applied to fishing vessels specified in Article 41 of WFC.
Note. WFC came into force on 16 November 2017 for the Member States which had ratified the Convention before 16 November 2017. WFC shall come into force for any Member State 12 months after the date of registration of its instrument of ratification.
- 5) **Money remittance** means a requirement according to which a proportion of wages of seafarers/fishers, when at sea, is remitted to their families or third persons by bank transfers.
- 6) **Voluntary Inspection** means a check, during which the compliance of the existing labour and rest standards of the crew on the ship/fishing vessel with the requirements of the MLC/WFC is carried out in the absence of the shipowner's obligation to submit the ship for inspection.
- 7) **Anniversary date** means the day and month of each year, which will correspond to the date of expiry of the Certificate (Maritime Labour Convention Certificate (MLCCT)/ Work in Fishing Convention Certificate (WFCCT) /MLC Statement of compliance /WFC Statement of compliance).
- 8) **Complaint** means information relevant to the breach of the requirements of the MLC on board, lodged by a seafarer/fisher, a professional body, an association, a trade union or any person with an interest in the safety of the ship, including an interest in safety or health to seafarers on board (including seafarers'/fishers' rights).
- 9) **Crew Accommodation** for the purpose of the present Guidelines means provided for the crew cabins, messrooms, sanitary facilities, health centres and entertainment;
- 10) **Person concerned** means any person being aboard on a lawful basis
- 11) **Applicant** means a person applying with a request for the RS services on on-board MLC inspection for compliance with the requirements of MLC/WFC;
- 12) **Interview** means a confidential, trustworthy conversation between the ILO Inspector and the seafarer/fisherman or any capable person concerned as to application of the MLC/WFC requirements on board;
- 13) **Competent authority (CA)** 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 provisions concerned;
- 14) **Convention No. 92** means Accommodation of Crews Convention (Revised), 1949;
- 15) **Convention No. 133** means Accommodation of Crews (Supplementary Provisions) Convention, 1970;
- 16) **Convention STCW** means International Convention on Standards of Training, Certification and Watchkeeping for Seafarers;
- 17) **Consolidated wage** means wage which includes the basic pay and all other pay-related benefits; a consolidated wage may include compensation for all overtime hours which are worked and all other pay-related benefits, or it may include only certain benefits in a partial consolidation;

- 18) **Corrective action** means an action taken to eliminate the cause of discovered deficiency or any other undesirable situation. Corrective actions shall be taken to prevent the undesirable situation recurrence;
- 19) **International voyage** means a voyage from a country to a port outside such a country;
- 20) **Seafarer** means any person who is employed or engaged or works in any capacity on board a ship to which MLC applies, as determined by the national legislation;
- 21) **Observation** means a statement of a fact made during on board MLC inspection or verification for compliance with the MLC/ WFC requirements and substantiated by objective evidence, which may subsequently cause deficiency, unless duly corrected by corrective and preventive actions. Observation may provide with proposals to improve the current situation as well;
- 22) **Deficiency** means an observed situation or a substantiated fact which can be confirmed by objective evidence that the MLC requirements are not met
- 23) **New fishing vessel** means a vessel for which:
 - (i) the building or major conversion contract has been placed on or after the date of the entry into force of the Convention for the Member concerned; or
 - (ii) the building or major conversion contract has been placed before the date of the entry into force of the Convention for the Member concerned, and which is delivered three years or more after that date; or
 - (iii) in the absence of a building contract, on or after the date of the entry into force of the Convention for the Member concerned:
 - the keel is laid, or
 - construction identifiable with a specific vessel begins, or
 - assembly has commenced comprising at least 50 tonnes or 1 per cent of the estimated mass of all structural material, whichever is less;
- 24) **Normative laws and regulations** mean a regulation issued in accordance with the established procedure by an authorized state authority, local government body or official, establishing legal norms (rules of conduct) binding on an indefinite circle of persons, designed for repeated application, acting regardless of whether there are or the specific legal relationship provided for by the act ceased
- 25) **Objective evidence** means information based on facts and obtained by the ILO Inspector from the documents, through examination of the ship, interviews with the persons concerned, measurements, tests and other sources;
- 26) **Mandatory rules and regulations** mean the international and national rules and regulations prescribed by competent authority or maritime industry organizations as mandatory for observance;
- 27) **Certification (statutory certification)** means an audit carried out by the CA or an authorized recognized organization (RO), during which the compliance of the existing labor and rest standards of the crew on board with the requirements of the MLC, 2006 is carried out
- 28) **ILO responsible person** means a representative authorized by shipowner/ fishing vessel owner who is responsible for continuous observation of the MLC/WFC requirements on his ships/fishing vessels;
- 29) **RS office** means the office premises where working places for the RHO or RS Branch Office employees are organized;
- 30) **Letter of Review of Part II of the Declaration** means a document ([Form 8.5.2](#)), issued by a lead ILO inspector who performed the review of Part II of the Declaration and is to confirm that the measures developed by the shipowner were reviewed by RS in respect of the ship in question and meet the national requirements stated in Part I of the Declaration and the requirements of MLC, regulation 5.1.3. The Letter of Review of Part II of the Declaration shall be issued for the period not exceeding six months;
- 31) **Seafarers'/Fishers' representative** means any person who has been duly authorized by a seafarer/ fisherman to act on his own behalf in connection with a complaint;
- 32) **Preventive action** means an action taken to eliminate cause of potential deficiency or any other potentially undesirable situation. Preventive actions shall be appropriate to the effects of the potential problems;
- 33) **Recognized Organization (RO)** means an organization having been assessed by the Administration, upon its results considered appropriate to the RO Code (MSC.349(92)) and authorized by the Administration to provide statutory services and issuance of statutory certificates on its behalf within the scope stipulated by the agreement between the Recognized Organization and Administration;
- 34) **Gaining Society (GS)** means society which gained a request for transfer to carry out on-board MLC certification;
- 35) **Hours of work** mean time during which seafarers/fishers are required to do work on account of the ship;
- 36) **Fisher** means every person employed or engaged in any capacity or carrying out an occupation on board any fishing vessel, including persons working on board who are paid on the basis of a share of the catch but excluding pilots, naval personnel, other persons in the permanent service of a government, shore-based persons carrying out work aboard a fishing vessel and fisheries observers;
- 37) **Serious deficiency** means an identified deficiency which, to a significant extent, constitutes a serious breach of the MLC/WFC requirements, including rights and social security of seafarers/fishers and represents a

significant danger to seafarers' safety, health and requires an immediate corrective action. Both repeated breach and no effective and systematic actions taken by the shipowner pursuant to the MLC/WFC requirements shall be also a serious deficiency;

38) **Overtime** means time worked in excess of the normal hours of work;

39) **Shipowner** means the owner of the ship, or any other organization or a 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 MLC requirements, regardless of whether any other organization or persons fulfil certain of the duties or responsibilities on behalf of the shipowner (see. par.1.j), Article II, MLC). This definition means that the shipowner is the same person as the Company as stated in ISM if otherwise indicated by the Flag State MA;

40) **Essential changes to the ship's structure and equipment** mean changes which affect the size of crew accommodation spaces, heating, ventilation, lighting, noise and vibration levels and other ambient factors of seafarer's accommodation, sanitary facilities and hospital accommodation and equipment influencing upon their features and designation;

41) **Existing vessel** means a vessel that is not a new fishing vessel;

42) **Losing Society (LS)** means society which loses the right on On-Board MLC inspection;

43) **The MLC/WFC Requirements** in the present document mean mandatory provisions of Articles, Regulations and Standards of MLC/WFC with due regard to the existing national requirements embodying the appropriate provisions of MLC/WFC;

44) **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;

45) **ILO Inspector** means a certified RS Officer with proper practice in statutory inspections, theoretically and practically trained to carry out on-board MLC/WFC inspections, and authorized therein.

3.2 Abbreviations

1) **DB "ILO"** – computerized database of "ILO".

2) **Interim Statement of compliance** – interim document of compliance for Marine Labour Convention.

3) **Interim Statement of compliance (voluntary)** – interim document of compliance for Marine Labour Convention (voluntary).

4) **Interim MLCct** – interim Maritime Labour Convention Certificate.

5) **DLMC (Declaration)** – Declaration of Maritime Labour Compliance

6) **DLMC (voluntary)** – Declaration of Maritime Labour Compliance (voluntary).

7) **MLC Statement of compliance (voluntary)** – Document of compliance for Marine Labour Convention (voluntary).

8) **MLC Statement of compliance** – Document of compliance for Marine Labour Convention.

9) **WFC Statement of compliance (voluntary)** – Document of compliance for Work in Fishing Convention (voluntary).

10) **WFC Statement of compliance** – Document of compliance for Work in Fishing Convention.

11) **PSCO** – Port State Control Officer.

12) **ACS** – another classification society- IACS member

13) **CA** – Competent Authority. **WFC** – Work in Fishing Convention, 2007

14) **WFC** – Work in Fishing Convention, 2007

15) **MLC** – Maritime Labour Convention, 2006.

16) **ILO-92 Convention** or **ILO-92** - ILO-92 Convention on Accommodation of Crews (revised 1949);

17) **ILO-133 Convention** or **ILO-133** - ILO-133 Convention on Accommodation of Crews (Supplementary Provisions) Convention.

18) **MA** – Maritime Administration

19) **ILO** – International Labour Organization

20) **CAP** – Corrective action plan

21) **RO** - Recognized Organization.

22) **GS** – Gaining Society.

23) **RF** – Russian Federation.

24) **MLCct** – [Maritime Labour Certificate \(voluntary\)](#).

25) **WFCct** – Work in Fishing Convention Certificate.

26) **LS** – Losing Society.

4. Procedures for analysis of Requests for on-board inspection services

1) The below procedures for analysis of the requests for on-board inspection services (either statutory or voluntary inspection) for compliance with the MLC/WFC requirements (hereinafter referred to as the

- Procedures) shall supplement [ND No. 2-060203- 027-E](#) – the Procedure for Reviewing requests for RS Services.
- 2) RS provides services on On-board Inspections for compliance with MLC/WFC only if the duly filled-in request and required title establishing documents are submitted. The request shall be issued using Form [8.5.5](#) - for MLC, and Form 8.7.5 – for WFC, and submitted to the RS email address or fax number specified in the request. Upon the shipowner's first request as regards the ship in question together with the request, the copies of documents specified in the request form shall be sent.
 - 3) The requests shall be reviewed by the Head of Department (332) or a responsible person for completeness and accuracy of information provided and the attached copies of documents. Thereupon, the opportunity of the request performance by the RS Branch Offices/RS Location shall be determined, a responsible performer (of Department 332) to process the request, prepare and send Authorization to RS Branch Office shall be appointed.
 - 4) Based on the review results, in addition to registration of request in "Thesis" System, an employee of the MLC Department (332) shall also register the request in the DB "ILO". In the DB "ILO" the request shall be assigned an identification number required for the request (inspection) identification in the specified DB. In case of sending an authorization into RS Branch Office, the additional directions and information related to the inspection shall be indicated in the column "Remarks".
 - 5) The on-board inspection for compliance with the MLC/WFC requirements shall be carried out in the RS Branch Office on the basis of an Authorization.
 - 6) The Head of the RS Branch Office or a duly authorized person for performing the request review shall designate the lead ILO Inspector from among the qualified ILO Inspectors of the Branch Office. It is recommended that the lead ILO Inspectors to perform the inspections of the same ship shall be interchanged, whenever practicable.
 - 7) The Lead ILO Inspector shall contact representatives of the shipowner/owner of the fishing vessel in accordance with the contacts specified in the request and shall finally agree upon the place and date of carrying out the on-board inspection.
 - 8) In specific cases, the on-board inspection may be carried out by the group of ILO Inspectors. A decision to organize a group of the Inspectors to carry out the On-board inspection may be made, taking into consideration as follows:
 - ship's particulars and number of crew members;
 - time of inspection;
 - availability of the ILO inspector candidates (trainees);
 - the history of inspection of the company's ships and the proceeding remarks (including PSC/FSC) regarding the MLC/WFC.
 - 9) Full names of the inspectors are stated in the "Group of auditors" of the request card in the "Thesis" System.
 - 10) In case of unforeseen circumstances preventing the services to be rendered, as prescribed in the Authorization, the Branch Office shall, without any delay, inform the RHO Ships in Service Division.

5. Carrying Out On-board inspections

5.1 Areas of on-board inspections

5.1.1 Scope of on-board MLC inspection

- 1) Scope of inspection (statutory or voluntary) is specified in Appendix A5-I and in Part I of DLMC and includes the following sections:
 - minimum age;
 - medical certification;
 - qualification of seafarers;
 - seafarers' employment agreements;
 - use of any licensed or certified or regulated private recruitment and placement service;
 - hours of seafarers' work or rest;
 - manning levels for the ship;
 - crew accommodation;
 - on-board recreational facilities;
 - food and catering;
 - health and safety protection and accident prevention;
 - medical care onboard a ship;
 - on-board complaint procedures;
 - payment of wages.
 - financial security for repatriation;

- financial security relating to shipowners' liability.

5.1.2 Scope of WFC inspection:

- 1) Scope of inspection (or statutory or voluntary) includes the following sections:
 - minimum age;
 - medical certification;
 - qualification of seafarers;
 - fishers' employment agreements;
 - use of any licensed or certified or regulated private recruitment and placement service;
 - hours of seafarers' work or rest;
 - manning levels for the ship;
 - crew accommodation;
 - on-board recreational facilities;
 - food and catering;
 - health and safety protection and accident prevention.

5.2 On-board MLC inspection

5.2.1 General provisions

- 1) Depending on the availability of Part of DLMC containing national requirements aimed at meeting the requirements of MLC, the type of survey can be statement or voluntary.
- 2) In the auspices of the statement inspection the RS shall carry out on-board MLC inspection pertaining to Standards A5.1.3 and A5.1.4 of MLC, in the course of which it shall be ensured that the relevant standards of working and living conditions for the seafarers on board a ship described in Appendix A5-I, meet the MLC and national requirements specified in Part I of DLMC.
- 3) The statutory review of DLMC shall be carried out by checking the compliance of the measures of conformity specified in Part II of the DLMC with the requirements of national legislation specified in Part I of the DMLC.
- 4) In the auspices of the voluntary inspection the RS shall carry out checking of the ship in compliance with the provisions of Standards A5.1.3 and A5.1.4 of MLC in order to establish that the working conditions and recreational facilities of seafarers, listed in Appendix A5-I of MLC, are in accordance with the requirements of MLC.
- 5) The DLMC voluntary review shall be carried out by checking out the compliance of the measures specified in DLMC (voluntary) with the MLC requirements.
- 6) In the auspices of fulfilment of the MLC request the following shall be examined:
 - inspection of the ship for compliance with the MLC requirements;
 - the DLMC consideration;
 - reissue of documents.
- 7) Within the auspices of checking out the ship for compliance with the requirements of the onboard MLC inspection, the inspections (statutory and voluntary) shall include the following scope:
 - primary;
 - initial;
 - renewal;
 - intermediate;
 - additional;
 - occasional.
- 8) The ILO inspector shall apply and be guided in the activity by the requirements stated in Part B of the MLC Code together with mandatory requirements of Part A of the MLC Code, unless otherwise provided in the flag state MA legislation.
- 9) General information on the MLC basic requirements fulfilment and recommendations for their verification are specified in the Guidelines for flag State inspections under the Maritime Labour Convention, 2006, IACS No.40 "Procedural Requirements for MLC, 2006 Certification" and IACS Recommendation No.129 "Guidance on DMLC Part II review, inspection and certification under the Maritime Labour Convention, 2006", No.132 "Human Element Recommendations for structural design of lighting, ventilation, vibration, noise, access & egress arrangements".
- 10) The on-board MLC inspections for compliance therein shall only be carried out by the regular RS personnel. Where necessary upon agreement with and at the expense of the shipowner, RS may involve qualified personnel of outside agencies as the experts summoned to provide consulting services during inspections.
- 11) All work for on-board MLC inspection shall be carried out by RS in compliance with the authorization scope on behalf of the Flag State and based on the shipowner's request.

- 12) Intervals for carrying out inspections shall conform to the intervals specified in MLC Standard A.5.1.3 and CS of the Flag State.
- 13) The on-board MLC inspection may be carried out simultaneously with ISM and ISPS audits subject to the consistency of parallel actions, depending on the requirements of these Codes and provided the ship is at the disposal for a sufficient amount of time. The inspection shall be performed within the same scope as if they were conducted upon special request.
- 14) Prior to the on-board MLC inspection the ILO Inspector shall make use of all accessible sources for the most extensive familiarization with the ship and shipowner's history. Such sources may constitute records on previous on-board MLC inspections, various database information, including the RS and accessible databases of the Memorandum of Understanding, mass media, etc.
- 15) Initial, intermediate and renewal on-board MLC inspections shall be performed only under normal operating conditions (e.g. when the ship is not in dry dock or cold lay-up) and manned in accordance with the Minimum Safe Manning Document.
- 16) The verification scope shall be determined depending on the type of inspection. Guided by their professional judgement, the ILO inspector shall determine the verification extent of compliance with the statutory requirements on a sample basis.
Crew accommodation inspection shall precede primary or initial on-board MLC inspection excluding special requirements of CA of the flag.
- 17) Crew accommodation inspection shall be conducted upon special request of shipowner to the RS Branch Office. Procedure for Crew accommodation inspection is stipulated for in ND No. [2-080101-017-E](#) – Guidelines on Inspection of Crew Accommodation.

5.2.2 Primary on-board inspection

- 1) Upon the shipowner's first request for on-board MLC inspection the primary on-board MLC inspection shall be carried out, and an Interim MLCt (or Interim Statement of Compliance or Interim Statement of Compliance (voluntary)) shall be issued.
- 2) The inspection shall be carried out in the following cases:
 - to a newbuilding commissioning;
 - when a ship changes the flag; or
 - when shipowner assumes responsibility for the operation for compliance with the MLC requirements of a ship which is new to that shipowner.
- 3) The primary on-board MLC inspection may be carried out on board a ship under operating conditions other than normal (e.g. when the ship is not in dry dock or cold lay-up), when the crew members are available on board, although manned in accordance with the Minimum Safe Manning Document.
- 4) For statutory primary inspection the availability of Part I of DLMC in the hard copy issued by the Flag State CA for the particular ship and filled-in Part II of DLMC is not obligatory for the Primary on-board inspection unless it is stipulated by the Flag State CA additionally. In case the availability of Part I of DLMC in the hard copy issued by CA for this particular ship is not obligatory the shipowner shall submit to ILO inspector a confirmation of application to CA for issuing of Part I of DLMC and standard form of Part I of DLMC of the Flag State.
- 5) The availability of confirmation of application to RS to issue of Part I of DLMC is not obligatory for the Primary on-board inspection (voluntary).
- 6) During the primary on-board MLC inspection the ILO Inspector shall, as far as applicable and practicable, verify that all requirements of matters listed in Appendix A5-I to MLC, are complied with. The primary on-board MLC inspection shall be carried out using the Check List (Form 8.5.6-5(A)).
- 7) Furthermore, the ILO Inspector shall be demonstrated that the ship has and performs adequate procedures to comply with the MLC requirements, plan of implementation of the MLC requirements on board including that the master is familiar with the MLC requirements and his responsibilities for their implementation.
- 8) In the event of satisfactory results of on-board inspection the Interim MLCt shall be issued (Form 8.5.4(A)) or Interim Statement of Compliance (Form 8.5.4-3(A)).
The Interim MLCt or Interim Statement of Compliance shall be issued only for the period not exceeding 6 months. Period of the Interim MLCt (Interim Statement of Compliance) validity shall neither be extended, nor any subsequent Interim MLCt (Interim Statements of Compliance) shall be issued.
- 9) Procedure for drawing up of the Interim MLCt (Interim Statements of Compliance) is specified in [5.7.2](#)

5.2.3 Reviewing and certifying of Part II of DLMC.

5.2.3.1 General provisions during review of Part II of DLMC.

- 1) The Declaration shall be attached to the MLCt (MLC Statement of Compliance) and shall consist of two Parts.

- 2) In Part I of DLMC drawn up by the Flag CA the requirements of the national legislation are specified. If the legislation fairly embodies the requirements stipulated in MLC, only a reference and small annotation may be required thereto. If the MLC provision is applied by principle of equivalence as such, that provision shall be highlighted in particular and brief interpretation shall be submitted.
- 3) If the equivalent number or withdrawals/exemptions have been issued by CA, the relevant provision or provisions shall be specified in Part I of DMLC.
- 4) Part II of DLMC shall be filled in directly by the shipowner. In this Part, the shipowner cites the measures taken to comply with national legislation in order to comply with the MLC provisions. The measures taken by the shipowner shall be specified to ensure compliance with the MLC requirements between two inspections as well as the measures proposed to ensure that there is continual improvement in the scope of application.
- 5) Reviewing Part II of DMLC is a separate type of inspection and shall precede on-board MLC inspection:
 - initial on-board MLC inspection;
 - intermediate, renewal or additional inspections, in case Part I of the Declaration has been reissued or the shipowner has introduced alterations to Part II of the Declaration.
- 6) Reviewing Part II of DMLC shall be carried out provided that shipowner has available Part I of DLMC in the hard copy, issued to the corresponding ship but no earlier than thirty days after issue of Interim MLCCt (Form [8.5.4\(A\)](#)) or Interim Statement of Compliance (Form [8.5.4-3\(A\)](#)).
- 7) Taking into consideration that some CAa issue Part I of DLMC in the electronic format the review of Part II of DMLC may be performed having Part I of DMLC printed out by the shipowner from the electronic copy using colour printing. The following requirements are applied to the printed in such a way Part I of the Declaration:
 - it shall be printed in white paper of A4 format (210x297mm) with density of no less than 80 g/m²;
 - each page shall contain background picture (if any);
 - the CA seal and authorized person signature shall be printed in appropriate colour;
 - duplex printing is preferable (both sides of sheet are used).
- 8) The template of Part II of DLMC for ships flying the Russian flag is published in the RS official website. The template of Part II of DLMC for a ship flying the flag of a state other than the Russian Federation is also published in the website of the corresponding CO or MA.
- 9) The date of signing of Part II of DLMC by the shipowner shall be dated the same, or later than the registration of Part I of CA. This does not apply to the cases where the CA republishes Part I of the DLMC Declaration, which does not require any amendments to the existing Part II of DLMC.

5.2.3.2 General provisions at review of the Declaration (voluntary)

- 1) Declaration (voluntary) (hereinafter referred to as DLMC (voluntary)) is attached to the Statement of Compliance (voluntary).
- 2) DLMC (voluntary) shall be filled in directly by the shipowner. It shall specify the measures taken by the shipowner to comply with MLC between two inspections, as well as the proposed measures to ensure continual improvement of the situation in the course of application.
- 3) Review of DLMC (voluntary) is a separate type of inspection (voluntary) and shall be carried out before the initial inspection of the ship starts;
the intermediate, renewal or additional inspections start, in case the shipowner has amended DLMC (voluntary).
- 4) Review of DLMC (voluntary) shall be carried out not earlier than thirty days from the date of issue of a voluntary interim Statement of Compliance (Form 8.5.4-1).
- 5) DLMC (voluntary) shall be filled in by the shipowner and it shall specify the measures developed and taken by him on the ship for the current compliance with national requirements for each of the items. The template for DLMC (voluntary) is published in the RS official website.

5.2.3.3 Review of the Declaration.

- 1) In the course of review of DLMC the measures adopted by the shipowner in accordance with the list specified in Appendix A5-I and Part I of DLMC shall be reviewed.
- 2) The Lead ILO Inspector shall preliminarily establish official communication channels of communication with the shipowner in order to:
 - obtain all necessary documents from the shipowner to carry out preliminary review (if necessary, previously forwards a model of Part II of DLMC, or DLMC (voluntary), to the shipowner);
 - agree upon the date and the place of rendering services for review of DLMC.
- 3) Review of DLMC may be carried out:
 - in shipowner's office;
 - in the RS office;
 - on board.

- 4) For reviewing, the original of DLMC verified only by the shipowner shall be submitted;
- 5) The final place and date of the review of DLMC shall be established by Lead ILO Inspector upon agreement with the shipowner.
- 6) Corresponding marginal notes of DLMC shall be filled in by the shipowner.
- 7) The ILO inspector shall ascertain that marginal notes of DLMC, filled out by a shipowner, - "shipowner's name" and "shipowner's address" comply with the particulars given in the following documents:
 - the company's title establishing documents, and/or
 - statutory documents issued by RS for this ship.
- 8) Review of DLMC shall be performed using the Check List for review of the Declaration of Maritime Labour Compliance with the Provisions of the MLC, 2006 (hereinafter referred to as Check List for review of DLMC, Form [8.5.6-2\(A\)](#)).
- 9) Measures taken by the shipowner mean any action governed by the formalized guidelines, procedures, regulations, instructions or other internal documents, being mandatory for the employees of shipowner company and seafarers. In DLMC the measures may be in the format of brief descriptions, quotes or reference to such a document with an indication of its full name.
- 10) If the brief description or quote specified in DLMC as a measure taken by the shipowner, do not give a comprehensive idea of fulfilment of the relevant MLC requirement, the ILO Lead Inspector is entitled to require from the shipowner to demonstrate the appropriate internal normative document.
- 11) If the reference to an internal document is only specified in DLMC as a measure taken by the shipowner, the ILO inspector shall ascertain that this document embodies all the necessary actions to comply with the MLC requirements, furthermore being part of such ship's documentation.
- 12) When reviewing DLMC the ILO Inspector shall make sure that the measures listed therein indicate:
 - cases when internal inspection of the ongoing compliance with the MLC requirements are carried out;
 - persons responsible for inspections and records of inspection results;
 - procedures to be followed in the event the deficiencies are found.
- 13) In DLMC references to the other more full recording documentation covering issues of policies and procedures in respect to other aspects of the sector of maritime shipping, for example, for the documents required in accordance with the International Safety Management Code and Prevention of Pollution from Ships (ISM Code).
- 14) The measures to ensure ongoing compliance of the MLC requirements shall include general International requirements for the shipowner and master to be kept informed of the latest advances in technology and scientific findings concerning workplace design, taking into account the inherent dangers of seafarers' work.
- 15) Where DLMC is filled in in two languages, the ILO Inspector shall make sure that the English version of Part II of the Declaration corresponds to the translation into the working language. With entering some alterations of the text in one of the languages, the ILO Inspector shall require from the shipowner that the appropriate alteration shall be also entered in the other language.
- 16) DLMC shall contain concise and clear formulations in avoidance of incorrect interpretation by all persons concerned.
- 17) DLMC shall not be certified by the ILO Inspector in the case the listed therein measures either do not provide in comprehensive compliance with the MLC or the measures which are to ensure continuous improvement are not available. In the scope of application.
- 18) In the event the measures specified in DLMC are in conflict with the above mentioned criteria, the ILO inspector shall:
 - during review of DLMC at the office of shipowner or on board request that the situation is remedied in situ, or issue a Deficiency / Observation Note (Form [8.5.8](#)), Report on Declaration Review (Form [8.5.9](#)) and agree upon a date of subsequent visit with the shipowner. DLMC, in this case, shall not be verified.
 - during review of [DLMC](#) at the RS office - issue a Deficiency/ Observation Note (Form [8.5.8](#)), Report on Declaration Review (Form [8.5.9](#)) and forward the records to the shipowner. DLMC, in this case, shall not be verified.
- 19) Deficiency /Observation Note shall indicate on the basis of what particular fact the conclusion was brought that the requirements of national legislation and MLC requirements had not been performed. Detailed description and all facts confirming failure to perform the established requirement shall be contained in the Check List for DLMC, in the column "Comments".
- 20) All deficiencies shall be reviewed by the Lead ILO Inspector together with the shipowner's responsible representative for the purpose of clear understanding by the shipowner results of the review of DLMC.
- 21) For the ships flying the RS flag Deficiency /Observation Note shall be issued in Russian and English for the ships flying the RS flag and formulated in the basic terms of specific MLC requirements.

- 22) On the completion of the review the Lead ILO Inspector shall draw up the Report on Declaration Review (Form [8.5.9](#)). Reference numbers of all issued Deficiency/ Observation Notes (Form [8.5.8](#)) shall be recorded in the column "Remarks" of the Report on Declaration Review.
- 23) In case there are no deficiencies the Lead ILO Inspector
- shall certify the original of DLMC with his signature and stamp on each page (on each even page in case of duplex printing) in the lower left hand corner and certify DLMC;
 - shall issue the Letter of Review (Form [8.5.2](#)), in case when the review of the Declaration was not a part of the subsequent inspection of the ship.
- 24) Where the review has been carried out either at the shipowner's Office or at the RS Office, Part I of the DLMC in the hard copy and DLMC (original) have been submitted, the certified DLMC and records shall be delivered on board by the shipowner.
- 25) After DLMC have been certified by the Lead ILO Inspector, the shipowner has no right to make any changes and supplements thereto. In case of changes or supplements to DLMC RS shall review it once more and carry out certification.
- 26) In case the shipowner has amended or supplemented some measures without making changes to DLMC and connected with amendments to DLMC, the ILO Inspector shall carry out the preliminary check within the next prescribed inspection, the new or updated measures have been entered into the relevant internal documents and comply with the relevant provisions of Part I of the Declaration. The review of additional measures shall be conducted using the Check List to consider additional measures (Form [8.5.6-2.1\(A\)](#)).
- 27) In case the shipowner has amended or supplemented some measures in certified and endorsed DLMC, the Lead ILO Inspector shall review it again, for the previous review results of DLMC shall be cancelled.
- 28) In case DLMC has been cancelled, the review results of DLMC shall be cancelled as well.

5.2.3.4 Certifying of the Declaration

- 1) Certifying DLMC is a procedural step certifying the satisfactory results of on-board MLC inspection. As a rule, DLMC shall be certified upon the results of Initial or Renewal inspection.
- 2) Certifying DLMC shall be performed by the Lead ILO Inspector who has carried out the subsequent on-board MLC inspection (after the DLMC review) provided the results of the inspection are satisfactory.
- 3) When the DLMC review is not a part of this inspection, prior to inspection the Lead ILO inspector shall verify that the following documents are available on board:
- a copy of certified Part II of the Declaration; and
 - original of the Letter of Review (Form [8.5.2](#)), or the Report on Review of the Declaration (Form [8.5.9](#)); and
 - Part I of the Declaration may be in hard copy. In this case the copy shall be replaced by an original within reasonable timeframe or in compliance with the CA instructions.
- 4) The Lead ILO inspector shall review the documents submitted and verify that:
- the requirements for drawing up of DLMC are met by the shipowner;
 - DLMC has not been amended and no sheets have been replaced;
 - DLMC is witnessed by the same ILO inspector who issued the Letter of Review (Form [8.5.2](#)).
- 5) To certify DLMC the Lead ILO Inspector who has carried out on-board MLC inspection shall specify on the last page of DLMC :
- the date and place where the on-board MLC shall be carried out,
 - full name, signature certified with the seal, full name, signature certified with the seal.
- 6) In case the additional measures have been reviewed in advance, the ILO inspector shall ascertain that all measures developed by the shipowner (including the normative documents of the shipowner), are complied with and in case of satisfactory results of the inspection make an entry on the last page of DLMC "**Additional measures have been verified and certified**", put the date of the MLC inspection, signature of the ILO Lead Inspector and certify it with a personal seal.
- 7) Results of the certification of DLMC shall be recorded in the Report on On-board MLC Inspection (Form [8.5.9](#)).
- 8) Original of certified DLMC shall be kept by the Master on board, and its copy, including the translation into the working language (if other than the language of DLMC) shall be posted on board at a place easily accessible for seafarers.

5.2.4 Initial on-board MLC inspection

- 1) The Initial on-board MLC inspection shall be carried out, as a rule, within a period of validity of the Interim MLCCt (or MLC Interim Statement of Compliance (voluntary) but no earlier one month after issue of the MLC Interim Statement of Compliance (Form [8.5.4\(A\)](#)) or MLC Interim Statement of Compliance (Form [8.5.4-3\(A\)](#)), or MLC Interim Statement of Compliance (voluntary) (Form [8.5.4-1](#)), unless otherwise is stipulated for by CA of the flag.
- 2) This inspection (or voluntary inspection) of ships shall be carried out only provided the satisfactory results of review of DLMC.

- 3) The Initial on-board MLC inspection shall include checking of the measures taken by the shipowner on board ship with the purpose of compliance of the MLC requirements with the national requirements contained in Part I of DLMC.
- 4) Certifying DLMC shall be a part of the Initial on-board MLC inspection.
- 5) The Initial on-board MLC inspection shall be carried out using the Check List (Form 8.5.6-1(A)). Following the satisfactory inspection results, the Lead ILO Inspector shall:
 - issue MLCCt (Form [8.5.3\(A\)](#)) or MLC Statement of Compliance (Form [8.5.4-2\(A\)](#)) or MLC Statement of Compliance (Form 8.5.3-2) (voluntary) valid not more than 5 months) is given in [5.6.2](#); and
 - certify and deliver DLMC to the shipowner;
- 6) DLMC shall be attached to MLCCt (Form [8.5.3\(A\)](#)) or the Statement of Compliance (Form [8.5.4-2\(A\)](#)) or the Statement of Compliance (voluntary) (Form 8.5.3-2).
- 7) Provided the results of the inspection are satisfactory, after the review of records on the MLC inspection by RHO, a new MLCCt (the MLC Statement of Compliance or the MLC Statement of Compliance (voluntary)) valid for 5 years(full term) may be issued to the shipowner. Procedure for drawing up of the MLCCt (MLC Statement of Compliance) is specified in [5.7.2](#).

5.2.5 Intermediate on-board MLC inspection

- 1) The Intermediate on-board MLC inspection shall be carried out with the purpose of providing continuous compliance with the MLC requirements on board ship.
- 2) The inspection shall take place between the second and the third anniversary dates of this MLCCt (Form 8.5.3(A)) or MLC Statement of Compliance (Form 8.5.4-2(A)), or MLC Statement of Compliance (voluntary) (Form [8.5.3-2](#)).
- 3) During Intermediate Inspection the observance of the measures specified by the shipowner in DLMC and their implementation between the Inspections for the continual MLC compliance shall be verified, including all changes, if any, in DLMC.
It is necessary to check that all deficiencies, identified during the previous inspections, have been completely eliminated.
- 4) In the event of satisfactory results of on-board MLC inspection DLMC shall be certified by the Lead ILO Inspector (Form [8.5.3\(A\)](#)) or MLC Statement of Compliance (Form [8.5.4-2\(A\)](#)), or MLC Statement of Compliance (voluntary) (Form [8.5.3-2](#)).
- 5) In case the intermediate inspection (statutory) is carried out beyond the specified deadline, the report shall be issued compliant to IACS PR 17.5.2.6.

5.2.6 Renewal on-board MLC inspection

- 1) Renewal on-board MLC inspection shall be carried out for the purpose to renew validity of the MLCCt (Form 8.5.3(A)) or MLC Statement of Compliance (Form 8.5.4-2(A)) or MLC Statement of Compliance (voluntary) (Form [8.5.3-2](#)) and verify the ship's compliance with the MLC requirements.
- 2) The Renewal on-board MLC inspection shall be carried out using the Check List (Form [8.5.6-1\(A\)](#)).
- 3) Following the satisfactory inspection results, the Lead ILO Inspector shall:
 - certify the valid MLCCt (Form [8.5.3\(A\)](#)) or Statement of Compliance (Form [8.5.4-2\(A\)](#)) or Statement of Compliance (voluntary) (Form [8.5.3-2](#)) – the appropriate field is labelled "Extension of the period after renewal on-board MLC inspection"; or
 - certify and issue the MLCCt (Form [8.5.3\(A\)](#)) or Statement of Compliance (Form [8.5.4-2\(A\)](#)) or Statement of Compliance (voluntary) (Form [8.5.3-2](#)) valid not more than 5 months – if in the valid MLCCt (Statement of Compliance) the section "Extension of the period after renewal on-board MLC inspection" is missing. Procedure for drawing up of the Certificate (Statement of Compliance) is specified in subsection [5.6.2.1](#).
- 4) Provided the results of the inspection are satisfactory, after the review of records on the MLC inspection by RHO, a new Long-Term Certificate (Long-term MLC Statement of Compliance) may be issued to the shipowner. Procedure for drawing up of MLCCt (MLC Statement of Compliance or MLC Statement of Compliance (voluntary)) is specified in [5.7.2](#).

5.2.7 Additional on-board MLC inspection

- 1) The Additional on-board MLC inspection may be carried out either under shipowner's initiative or at the request by PSCO, CA or RS.
- 2) The on-board MLC inspection may be carried out in the scope of the additional inspection due to the following reasons:
 - putting a ship into service for a period after cold lay-up exceeding six months, or
 - reissuance of DLMC (connected with amendments to the national legislation, making amendments to DLMC, change of the ship type), or
 - under other circumstances.

- 3) The scope of the additional inspection, its terms and conditions shall be set out by the authority having assigned it.
- 4) In the event of satisfactory results of on-board inspection the MLCCt shall be certified by the Lead ILO Inspector (Form [8.5.3\(A\)](#)) or MLC Statement of Compliance (Form [8.5.4-2\(A\)](#)), or MLC Statement of Compliance (voluntary) (Form [8.5.3-2](#)).

5.2.8 Re-Issue of Documents

5.2.8.1 General

- 1) Re-Issue of Documents is effected at the shipowner's Request (Form 8.5.5).
- 2) Re-Issue of Documents shall be carried out in connection with:
 - reissuance of corrected Part I of the DLMC (connected with amendments to the Section "Exemptions"), or
 - amendments to a ship's or shipowner's details.
- 3) In case the Re-Issue of Documents is carried out at the office of shipowner or RS, responsibility for delivery of the MLCCt (MLC Statement of Compliance or MLC Statement of Compliance (voluntary)) and the certified DLMC originals to the ship shall be assigned to the shipowner.
- 4) In case the Re-Issue of Documents is carried out simultaneously with the review of DLMC and ship's inspection, the Re-Issue of DLMC may be performed within the Authorization to review the DLMC, and the Re-Issue of MLCCt (MLC Statement of Compliance or MLC Statement of Compliance (voluntary)) - within the Authorization for the ship's inspection.

5.2.8.2 Re-Issue of the Declaration and/or Certificate (or Statement of Compliance, or Statement of Compliance (voluntary))

- 1) During re-issue of the DLMC and/or MLCCt (or MLC Statement of Compliance, or MLC Statement of Compliance (voluntary)) the following shall be checked:
 - Part I of DLMC has been issued by the same CA and its content (in terms of the requirements of national legislation) do not require amendments to Part II of DLMC;
 - all amended ship or shipowner's details have been included in Parts I and II of DLMC;
 - the content of the reissued Part II of DLMC is fully identical to the previously certified one;
 - Nos. of Parts I and II of DLMC shall be identical.
- 2) In case of satisfactory results of the re-issue, the Lead ILO Inspector shall:
 - certify the original of Part II of DLMC by the signature and stamp on each page (on each even page in case of duplex printing) in the lower left hand corner and certify Part II of DLMC.
 - make an entry on the last page of Part II of DLMC (as a rule, below the block to certify DLMC) "Reissued", put the date of the Re-Issue, signature of the ILO Lead Inspector and certify it with a personal seal;
 - draw up and issue the MLCCt (Forms [8.5.3](#) and [8.5.4\(A\)](#)) or MLC Statement of Compliance (Form [8.5.4-2](#) and [8.5.4-3\(A\)](#)), or MLC Statement of Compliance (voluntary) (Forms [8.5.3-2](#) и [8.5.4-1](#)) valid for not more than 5 months.
- 3) Procedure for drawing up of the MLCCt (MLC Statement of Compliance or MLC Statement of Compliance (voluntary)) is specified in [5.7.2](#).
- 4) A new MLCCt (MLC Statement of Compliance or MLC Statement of Compliance (voluntary)) may be issued before the expiry date of the reissued MLCCt.
- 5) Procedure for generation of package of records is given in [5.7.2](#).
- 6) Provided the results of the inspection are satisfactory, after the review of records on the MLC inspection by RHO, a new Long-Term MLCCt (Long-term MLC Statement of Compliance) may be issued to the shipowner. Procedure for drawing up of MLCCt (MLC Statement of Compliance or MLC Statement of Compliance (voluntary)) is specified in [5.6.2](#).

5.3 On-board WFC inspections

5.3.1 General provisions

- 1) The Section shall apply to the on-board WFC inspection of the ships specified in Article 41 of WFC, as well as any other ship/fishing vessel at the request of the owner of a fishing vessel.
- 2) The scope of on-board WFC inspection shall include the sections specified in 5.1.2.
- 3) General information regarding the fulfillment of the basic requirements of the WFC, and recommendations for their verification, are given in ND No. 1-0303-011-E "Guidelines on flag State inspection of working and living conditions on board fishing vessels".
- 4) Depending on whether the flag State has ratified the WFC or not, the type of survey shall be statutory or voluntary.

- 5) As part of the statutory inspection, RS shall carry out on-board WFC inspection for compliance with the requirements of WFC and national legislation.
- 6) As part of the voluntary inspection, RS shall carry out on-board WFC inspection for compliance only with the requirements of WFC.
- 7) As part of the implementation of the request for WFC, the following types of examination are determined: inspection of the fishing vessel for compliance with the requirements of the WFC; reissue of documents.
- 8) As part of the check of the fishing vessel for compliance with the requirements of the WFC, the following types of inspection are determined:
 - initial;
 - renewal;
 - additional.
- 9) RS shall ensure the appropriate scope of inspection for all ships, regardless of their size, taking into account not only the type of inspection, but also national requirements; the requirements of WFC.
- 10) On-board WFC inspection shall be carried out only by the RS regular personnel. If necessary, RS may engage qualified specialists from other organizations, in agreement with the owner of the fishing vessel and at his expense, as inspectors to provide advice to the ILO group of inspectors during the inspection. The owner's refusal to involve inspectors from third-party organizations shall be regarded as the lack of objective evidence of the object's compliance with the established requirements.
- 11) The main stages of the On-board WFC inspection:
 - verification of the documents, ship documents and other documents submitted by the owner of the fishing vessel, which are submitted by the owner of the fishing vessel, confirming the compliance of the working conditions and rest facilities of fishers with the requirements established by the provisions of WFC and national legislation;
 - walking around the fishing vessel in order to check the working conditions and rest facilities of fishers for compliance with the requirements of WFC and national legislation;
 - interviews with fishers in order to confirm that the working conditions and rest facilities of fishers comply with the requirements of the Labor Code and national legislation.
- 12) The procedure for carrying out on-board WFC inspection is given in 5.5 of the Guidelines.
- 13) The procedure for reissuing documents is given in 5.7.2.
- 14) The procedure for the formation of a set of records is given in 5.7.3.
- 15) The RS on-board WFC inspection is carried out in compliance with the scope of the order of the Flag CA and on the basis of the request of the owner of the fishing vessel.

5.3.2 Initial on-board WFC inspection

- 1) The Initial on-board MLC inspection may be carried out on a ship being in service and manned in accordance with the Minimum Safe Manning Document.
- 2) The Initial on-board WFC inspection shall include checking of the requirements complying with the WFC and / or national laws.
- 3) The Initial on-board WFC inspection shall be carried out using the Check List (Form 8.7.6 (A)).
- 4) Following the satisfactory inspection results, the Lead ILO Inspector carried out the inspection, shall issue a short-term WFCt (or short-term WFC Statement of Compliance) valid for 5 years. The procedure for drawing up WFCt (or WFC Statement of Compliance) is given in 5.7.3.
- 5) After the review of records on the WFC inspection by RHO, provided the results of the inspection are satisfactory, a WFCt / or WFC Statement of Compliance), valid for 5 years, may be issued to the fishing vessel owner. Procedure for drawing up of the WFCt (or WFC Statement of Compliance) is given in 5.7.3.

5.3.3 Renewal on-board WFC inspection

- 1) Renewal on-board WFC inspection shall be carried out for the purpose to renew validity of WFCt (or WFC Statement of Compliance) and verify the fishing vessel's compliance with the WFC requirements.
- 2) The Renewal on-board WFC inspection may be carried out on a ship being in service and manned in accordance with the Minimum Safe Manning Document.
- 3) The Renewal on-board WFC inspection shall be carried out using the Check List (Form 8.7.6 (A)).
- 4) Following the satisfactory inspection results, the Lead ILO Inspector who has carried out the inspection, shall issue a short-term WFCt (or short-term WFC Statement of Compliance).
- 5) Provided the results of the inspection are satisfactory, after the review of records on the on-board WFC inspection by RHO, a new WFCt (or short-term WFC Statement of Compliance), valid not more than 5 years, may be issued to the fishing vessel owner. Procedure for drawing up of the WFCt (or Statement of Compliance for Fishing Labor Convention/WFC) is specified in para 5.7.3.

5.3.4 Additional on-board WFC inspection

- 1) Additional on-board WFC inspection shall be carried out both under owner of the fishing vessel's initiative as well as the request by PSO, CA and RS.
- 2) The scope of the additional on-board WFC inspection, condition and terms of its performance shall be set out by the authority having assigned it
- 3) In the event of satisfactory results of on-board inspection WFCt (or Statement of Compliance for WFC) shall be certified.

5.4 Planning of on-board MLC/WFC inspections

5.4.1 General.

- 1) Prior to the on-board inspections a plan of on-board inspection shall be prepared.
- 2) Implementation of the on-board inspection plan provisions shall allow the agreed amendments so that it might remain flexible and effective with no negative influence on the direct activities associated with the on-board inspection.
- 3) The plan shall consist of at least the following stages:
 - opening meeting;
 - on-board inspections (familiarization of ILO Inspectors with documents associated with the matters of compliance with the MLC/WFC requirements, interview with the Master and seafarers, and walking round the ship);
 - drawing up reports;
 - closing meeting.
- 4) On-board Inspection Plan is a part of the Report on On-board MLC inspection (Form 8.5.9, page.2) and WFC inspection (Form 8.7.9, page 2).
- 5) The Inspection Plan is made by the Lead ILO inspector assigned for inspection and it shall be sent to the fishing vessel owner for agreement prior to commencement of the inspection.
- 6) While preparing the Inspection Plan the hours of work and rest of seafarers/fishers shall be considered. The fishing vessel owner shall provide the safe access for the ILO Inspector to all the items of supervision. The night-time shall not negatively affect the ILO Inspector's capacity to carry out the on-board inspection. If necessary, the provision shall be made of proper illumination.
- 7) When developing the Inspection Plan, the Lead ILO inspector shall do the following:
 - specify the inspection stages and define their duration in hours (for example, 0,5 hour – 30 min);
 - supplement the Inspection Plan with the missing stages, where necessary (for example: inspection of crew accommodations for compliance with the national requirements. Issuing of the national checklist);
 - specify the language of inspection;
 - previously agree with the shipowner the scheduled date and time of the inspection.
- 8) In case the review of the Declaration (review of additional measures) is carried out on board and it is preceding the on-board MLC inspection, it shall be included into the Plan.
- 9) When making the Plan of on-board MLC inspection, the duration shall be taken into account as follows:
 - in case the review of the Declaration is carried out on board prior the on-board MLC inspection it shall be included into the Plan as the first stage of the on-board MLC inspection. If the review of the Declaration is carried out in full scope, then the duration of this stage shall be **not less than 6 (six) hours**.
 - the duration of the initial, intermediate and renewal on-board MLC inspection shall be **not less than 8 (eight) hours**;
 - the duration of the primary on-board MLC inspection shall be **not less than 6 (six) hours**.
- 10) The duration of initial and renewal on-board WFC inspection shall be:
 - not less than 6 (six) hours – for a vessel which length is 24 m and less;
 - not less than 8 (eight) hours - for a vessel which length is more than 24 m.
- 11) The duration of the additional inspection, depending on the scope of the inspection shall be established by the actual time spent.
- 12) When set the duration of on-board an appropriate factor depending on the number of seafarers/fishers shall be applied:
 - up to 15 seafarers – 1,0;
 - from 16 to 25 seafarers – 1,2;
 - above 25 seafarers – 1,5.
- 13) In case, in the auspices of on-board MLC Inspection the inspection of crew accommodation is carried out as an additional Flag State MA requirement (for example, the flags of St. Kitts & Nevis и St. Vincent & The Grenadines) this stage shall be included in to the Plan and the duration of this stage shall be **not less than 2 (two) hours**.

- 14) The Inspection Plan shall consider breaks for meals. The duration of the breaks shall not be included into the duration of on-board inspections.
- 15) The shipowner/fishing vessel owner is responsible for designation of the involved representative and persons participating in the on-board MLC/WFC inspection.
- 16) Settlement of disputing matters on particular items of the Plan shall take place prior to the commencement of the inspection.
- 17) Immediately prior to commencement of the inspection the Lead ILO Inspector is obliged to make sure in readiness of each member of the team for functions specified by the Plan, and organize introductory instructions for cooperation of ILO Inspectors in the course of the inspection.
- 18) During the on-board MLC inspection, as agreed upon with the shipowner's/fishing vessel owner's representative, the Plan may be updated/corrected (as to dates and periods of on-board MLC/WFC inspections), with due regard to the information obtained during the inspection.
- 19) Upon completion of the inspection, while preparing the Report (Forms 8.5.9 and 8.7.9), on the on-board MLC/WFC inspection, the Lead ILO inspector shall specify the actual time and date of the commence and completion of the inspection.

5.4.2 Opening and closing meetings

- 1) The procedure for on-board inspection shall start with an opening meeting the purpose of which is to:
 - introduce the ILO Inspectors to the shipowner's/fishing vessel owner's representatives as well as the persons from amongst the crew members involved in the inspection;
 - explain the objective of the inspection;
 - provide a short summary of the methods and procedures to be used during the inspection;
 - establish the official communication line between the Lead ILO Inspector and a representative of the shipowner/fishing vessel owner responsible for the inspection;
 - set and confirm the availability of the resources, equipment, documents needed for inspection performance;
 - determine the dates and time of the intermediate and closing meetings.
- 2) A statement of ILO Inspector, who carries out on-board MLC inspection, on stating to ensure the confidentiality of all documents and information placed at his disposal during the ship inspection, with due regard to the requirements in para11 in MLC Standard A5.1.4 is a part of the Report (Forms 8.5.9/8.7.9).
- 3) On completion of the on-board MLC inspection, prior to the final report, the Lead ILO Inspector shall arrange a closing meeting.
- 4) The objective of the meeting is to advise the results of the on-board inspection, including all found observations and deficiencies, so as to be convinced that the results of the inspection have been clearly understood and accepted by the shipowner's/fishing vessel owner's representatives.
- 5) If necessary, the intermediate meetings are recommended related to the inspection performance.

5.5 Basic methods and stages of on-board inspections

5.5.1 General provisions

- 1) The ILO Inspector shall inform the Master or the shipowner's representative responsible for the inspection, about the objective of his arrival on board ship.
- 2) The ILO Inspector is entitled to question the Master, seafarers/fishers or any other person concerned, including the shipowner or the shipowner's representative, on any matter concerning the application of the MLC/WFC requirements.
- 3) The ILO Inspector is entitled to require the production of any books, log books, registers, certificates or other documents or information directly related to matters subject to inspection, in order to verify compliance with the national laws and regulations implementing the MLC/WFC.
- 4) The ILO inspector shall ascertain that crew accommodation (technical characteristics of the spaces and ship's structural particulars) have been inspected and are in compliance with Regulation 3.1 of MLC.
- 5) During the on-board inspection it is necessary that the ship type, purpose, operation and cargoes carried shall be taken into account.
- 6) If applicable, in the course of the on-board inspections it is necessary that all observations, deficiencies found at the previous on-board inspections, verifications and examinations shall be taken into consideration, as well as the results of the detentions that took place, so that the efficiency of corrective and preventive actions taken shall be assessed. All deficiencies found at the previous inspections shall be rectified within the agreed time period.
- 7) All observations, deficiencies and serious deficiencies revealed during inspection shall be documented in clear, strict and compact form and supplemented by objective evidence.
- 8) The ILO Inspector is entitled to apply to employees from external organizations as inspectors, at the expense of the shipowner/fishing vessel owner. Decision about applying to such an expert may be taken either on the

stage of reviewing the request or in the course of the inspection. This shall be agreed with the shipowner/fishing vessel owner in writing.

- 9) To facilitate conducting the on-board MLC inspection and documenting the process the ILO Inspector shall use Check Lists (Forms 8.5.6-1(A), 8.5.6-2(A), 8.5.6-5(A)) during the on-board MLC (Form 8.7.6(A)) and WFC inspections.
- 10) The ILO Inspector is entitled to use all additional information in respect to the ship and the shipowner/ fishing vessel owner, obtained with no breaches of the laws, available from the previous shipowner/fishing vessel owner, Classification Society, crew members, other persons concerned and from mass media.
- 11) During on-board inspection the ILO Inspector shall follow the requirements of the Occupational Safety Instructions for RS Surveyors Conducting Survey of Ships and Items of RS Technical Supervision.
- 12) The on-board inspections shall include, as a rule, the following stages:
 - checking the documentation submitted by the shipowner/fisher, ship documentation and other certifying the compliance of seafarers' working and living conditions with the MLC/WFC and national laws;
 - the ship's round performed in order to hold inspection of seafarers'/fisher's working and living conditions for compliance with the requirements of MLC/WFC and national laws;
 - interview with seafarers, persons concerned to certify compliance of seafarers'/fisher's working and living conditions with the requirements of MLC/WFC and national laws.

5.5.2 Seafarers' Interviewing

- 1) For the satisfactory completion of the inspection the ILO inspector shall likely be required to apply different methods including public discussion with seafarers and individual interviews.
- 2) Interviews with persons in the state of alcohol/ narcotic intoxication shall not be allowed.
- 3) When interviewing seafarers the ILO inspector shall take into account
 - that some questions may be individual or potentially arguable, and
 - hours of work and rest of seafarers.
- 4) Interviews shall be held in individual manner in order to keep confidentiality of the information received.
- 5) The ILO inspector shall prepare a number of questions and an introductory statement, which clarifies interview purpose. When interviewing the ILO inspector shall apply corresponding section of Check List of the MLC inspection (Forms 8.5.6-1(A), 8.5.6-5(A)).
- 6) For interviewing the ILO inspector shall choose serious, useful and effective communication manner with seafarer.
- 7) Estimation of compliance or non-compliance with MLC requirements shall always be based upon inspections, objective evidences and information received during interview with seafarers with application of the ILO inspector professional statement.
- 8) In case a seafarer applies to the ILO inspector with the purpose to lodge a complaint, the RS representative shall be guided by 5.4.4 hereof.

5.5.3 Inspection on Crew Accommodation

- 1) During on-board MLC/WFC Inspection the ILO inspector shall ascertain that the seafarers'/fishers' crew accommodation (technical characteristics of the spaces and ship's structural particulars) have been inspected and are in compliance with Regulation 3.1 of MLC/Part V of WFC.
- 2) The documents confirming that the crew accommodation of the seafarers have been inspected for compliance with MLC Standard A3.1 or ILO Conventions No. 92 and No.133 or national laws are as follows:
 - Certificate of Inspection of Crew Accommodation (for RS Form 8.5.3-4A) issued by RS or ACS, or CS; or Inspection report on crew accommodations (for RS Form 8.5.9-1); or
 - Statement of Compliance of the Crew Accommodation (for RS Form 8.5.3-4), as well as Inspection report on crew accommodations (for RS Form 8.5.9-1); or
 - Check List of the flag MA (Form for RS 8.5.6-6A for the flags specified in para 5 of this subsection).
 - Form 8.5.9-1 – Report on inspection/certification of crew's accommodations.
- 3) In the event the flag CA prescribes RS to check the seafarers' accommodation within the first on-board MLC inspection (Flags of - St. Kitts & Nevis and St. Vincent & The Grenadines), the ILO inspector shall apply the corresponding Check List of the flag MA (for RS Form 8.5.6-3A). Check List of the flag MA on the inspection of the seafarers' crew accommodations, signed by the ILO inspector and certified by his personal stamp, shall be passed over to the ship's master and kept on board until the ship flies this Flag.
- 4) In the event the document submitted by the shipowner contains requirements of the ILO conventions or national legislation subject to exemption the ILO inspector shall check their fulfilment. Example of such a fulfilment of the requirements of the ILO conventions and/or recommendations or national legislation may be their total exemption or issue of corresponding exemptions (for example, statement in the Section "Exemptions").

- 5) All outstanding requirements of the ILO conventions and/or recommendations or national legislation referred to living accommodation shall be stated by the ILO inspector by the only Observation/ Deficiency Note (Form 8.5.8) specifying a number of Inspection Report on Crew Accommodations and indicating the number of outstanding requirements. In such case a copy of the Inspection Report on Crew Accommodations shall be attached to the set of the records.
- 6) During the on-board WFC inspection, depending on whether the vessel is "a new fishing vessel" or "existing vessel", Part A or Part B, Supplement/Appendix 3, Check-list 8.7.6 shall be applied.

5.5.4. Seafarers' complaints

5.5.4.1 General

- 1) The Section establishes the procedure for the ILO experts' and RS specialists' actions in cases of the lodged complaints of seafarers or seafarers' representatives with regard to violation of requirements of the Maritime Labor Convention, 2006 on board including the seafarers' rights.
- 2) The Section shall be applied to carry out onboard MLC inspection (including the inspection within the scope of the voluntary inspection system) by the ILO inspector or to carry out the inspection for compliance with the international convention (other than MLC) by the RS specialist provided the MLCt (Statement of Compliance or MLCt (voluntary)) has been issued by RS to the ship, the interim document included.
- 3) In accordance with MLC, regulation 5.1.5, the on-board Procedure for Handling Seafarer Complaints with regard to Violation of Requirements of the Maritime Labor Convention, 2006 (hereinafter referred to as the Onboard seafarer complaint-handling procedure) shall be available, valid and accessible to every seafarer on board. MLC will entitle a seafarer (shall include the seafarer's right) to file a complaint/complain directly to the master, and, where they consider it necessary, to appropriate external authorities. Such external authorities may be the CA in the flag State and the relevant port state authorities or the place of permanent residence (the seafarers' country of residence). The Onboard seafarer complaint-handling procedure shall contain the information on contacts with the appropriate external authority, the assigned flag State to review seafarers' complaints.
- 4) CA of the flag State shall remain fully responsible for receipt, investigation and appropriate measures of enforcement regarding seafarers' complaints. CA of the MA Flag State having ratified MLC, shall have available valid on-board complaint-handling procedures as well as those to protect RS confidentiality being the Recognized Organization (hereinafter, RO), it may be given appropriate authority in specific circumstances by CA of the flag State for investigation of a particular complaint. CA of the flag State shall remain fully responsible for resolving a complaint.
- 5) When within the auspices of the on-board MLC inspection performed, the serious deficiency has been identified regarding the seafarer's complaint and the conditions on board being clearly hazardous to the safety, representing a significant danger to the seafarers' health or security, CA of the flag State shall be informed without delay.
- 6) If the discrepancies on the complaint have not been resolved onboard, the ILO inspector shall inform the nearest representative of the port State on the complaint.
- 7) The next subsections specify the actions and measures to be taken by the ILO inspector during and after the seafarer's complaint record/registration on board the ship inspected by RS for MLC.

5.5.4.2 Complaint registered in accordance with the Onboard seafarer complaint-handling procedure

- 1) In case the seafarer's written complaint has been filed during the onboard MLC inspection and registered in accordance with the Onboard seafarer complaint-handling procedure, the ILO expert shall not interfere with the complaints resolution. On the contrary, the ILO expert shall ascertain that the seafarer is aware of the Onboard seafarer complaint-handling procedure and the complainant has taken advantage of any such procedures available. As regards drawing-up of the reporting documents, the ILO expert shall enter the quantity of complaints in the Report on On-board MLC inspection (Form 8.5.9) as well as Nos. of the registered complaints in the in the column "Remarks".
- 2) In addition, the ILO expert shall specify the scope and area of the inspection taking into account the seafarer's complaint (complaints) to ascertain that the seafarers' working and living conditions being violated on board according to the seafarer's complaints, comply with the MLC and national requirements of the flag State and also that the Onboard seafarer complaint-handling procedure is effective.
- 3) A copy of the complaint lodged by the seafarer or representative shall be included in the Report submitted to the RHO to be subsequently sent to CA of the flag State.

5.5.4.3 Complaint registered by the ILO expert

- 1) A written complaint obtained directly from the ILO expert and not registered in the manner prescribed in the Onboard seafarer complaint-handling procedure, shall be registered by the ILO expert according to subsection 5.5.4.6 hereof.
- 2) The ILO expert shall maintain the confidentiality of the source of complaint or information on danger or deficiencies related to the working and living conditions for seafarers or breaches of the laws and regulations.
- 3) The ILO expert shall undertake the appropriate actions in order to prevent probable information leakage regarding the applicant and the basis of a complaint. The registered complaint and filled out notification on the registered complaint shall not be submitted to the shipowner within the reporting documents on nor during the inspection.
- 4) In case of the complaint registration by the ILO expert, the period of forwarding the report including a copy of the complaint and notification on the complaint registration to RHO Department 332 is one working day.
- 5) The employee of RHO Department 332 engaged in the report review containing the complaint registered by the ILO expert, shall act in accordance with the CA of the flag State instructions.

5.5.4.4 Verbal complaints

- 1) Having received the verbal complaint, the ILO expert shall propose the applicant acting in compliance with the Onboard seafarer complaint-handling procedure and manage to resolve the complaint on board within the competence. If the seafarer considers that it is unable to use the Onboard seafarer complaint-handling procedure (possibly for the fear of victimization or just lack of faith in its effectiveness), the ILO expert shall remind of the Onboard seafarer complaint-handling procedure (a copy shall be retained by the seafarer.) containing the information on contacts with CA of the flag State, or otherwise, in the seafarer's country of permanent residence (place of registration) as well as surname, of the person or all persons on board who can provide seafarers with assistance on a confidential basis.
- 2) Where the seafarer continues to insist that he / she does not wish to use the Onboard seafarer complaint-handling procedure, but he / she would like to register the complaint with RS as the CA representative on board, the ILO expert shall not refuse in accepting the complaint and submitting it to the CA of the flag State, but only if the complaint is made in written form and signed by the seafarer. A copy of the complaint shall be attached to the report
- 3) Procedure of the verbal complaint registration is specified in 5.5.4.6 hereof.

5.5.4.5 Written complaints

- 1) Format of the obtained written complaint shall comply with the national requirements and, as a minimum, contain the information on the shipowner, seafarer (seafarers) and the ship concerned, date of its registration.
- 2) The ILO expert shall consider issues related to compliance with the requirements that may be substantiated by objective evidence. It includes checking the availability and efficient functioning of the Onboard seafarer complaint-handling procedure.
- 3) The ILO expert shall not discuss or attempt to consider allegations of harassment, victimization or other challenging issues or personal disputes. All these issues shall be addressed to CA of the flag State to be resolved.
- 4) The procedure of the written complaint registration is specified in subsection 5.5.4.6 hereof.

5.5.4.6 Registration of complaints lodged directly to the ILO expert

- 1) The seafarer's written complaint shall be signed by the seafarer himself indicating the surname, name (patronymic), ship's name, occupied position and date. The request without such data shall be considered anonymous.
- 2) During the complaint registration the ILO inspector shall ascertain that the complaint contents and subject relate to the issues connected with application and violation of MLC (including the seafarers' rights) on board the ship concerned.
- 3) Anonymous complaints as well as those containing expressions abusing the honor and dignity of others, as well as obscene expressions, shall not be registered.
- 4) The complaint shall be typed or handwritten in legible handwriting in English or in the working language onboard.
- 5) The authority of the seafarer's representative filing the complaint on behalf of the seafarer shall be certified by the signature of the applicant in case of his personal attendance or certified by the applicant's signature in a lawful manner in case of his absence.
- 6) The complaint shall be assigned a number. Registration No. of the complaint shall include the reference No. of the complaint, IMO number of the ship where the complaint has been registered, as well as identification No. of RS Representative Office the employee of which has filed a complaint.
- 7) For example, No. 01.7777777.180 is the registration No. of the first complaint registered on the ship with IMO number 7777777 by the employee of the RS Branch Office in the Ukraine. Reference No. of the complaint shall be defined by the sequence of the complaints registration by the ILO inspector currently on board.

- 8) All the complaint pages shall be pre-numbered. At the last page the ILO inspector shall indicate:
 - Registration No. of the complaint,
 - total No. of the pages in the complaint,
 - anchorage (port name) of the complaint registration,
 - date of the complaint registration,
 - surname(full name) and certify by the signature and personal seal.
- 9) Immediately after registration the ILO inspector shall inform verbally the seafarer or the representative having lodged a complaint, the complaint registration No. Upon the request of the seafarer or the representative having lodged a complaint, and if technically feasible, the ILO inspector may make a copy of the registered complaint.
- 10) For each registered complaint the ILO inspector shall fill out the Notification of complaint registration - Form 8.5.7.
- 11) In the auspices of drawing-up of the reports, the ILO inspector shall specify No. of the registered complaint in the cover letter.

5.5.5 Fishers' complaints

- 1) On the fishing vessel, the Procedure on complaints review shall be developed regarding the spaces not complying with WFC. The requirements to this Procedure shall not be stipulated by WFC.
- 2) On receiving the fisher's complaint giving evidence that a fishing vessel does not conform to the WFC requirements, it is necessary to take measures as per 5.5.4 taking into account the document forms used during the onboard WFC inspection.

5.5.6 Sampling

- 1) The ILO Inspector shall take or remove no samples for analysis of food, drinking water, cargo, provisions, materials and substances used or handled, which are in any way in contact with the seafarers, although he is entitled, basing on his professional judgment, to offer these activities to be taken and to be present as a witness there. The fact of such samples taken or removed shall be properly recorded by the ILO Inspector.
- 2) Copies of all documents containing the results of the review shall be attached to the report.
- 3) Upon receipt of unsatisfactory results of analyses of the samples, the ILO Inspector shall inform the shipowner's representative and depending on severity of the MLC requirements violations (refer to [5.5.1](#)), acts as prescribed in [5.4.1](#) of the present Guidelines.
- 4) Failing the results of the review at the moment of the on-board MLC inspection completion, the ILO inspector shall issue a Deficiency/ Observation Note (Form [8.5.8](#)), having specified the following:
 - reason for the audit (for example, seafarers' complaints or the professional judgement of the ILO inspector), and also
 - who and under what conditions carried out sampling.

The ILO inspector shall agree with the shipowner corrective actions under the Note in-situ. Shipowner's corrective action under this Note shall be obligation to submit RS with the review results right upon receipt, but not later than in three months after the inspection.

5.6 Observations, Deficiencies and Serious Deficiencies

5.6.1 General

- 1) The following breaches of the requirements in RS are specified in the Guidelines according to their gradation: observation, deficiency and serious deficiency.
- 2) [Definition](#) of the gradation of breaches shall be determined by the ILO Inspector on the basis of the MLC/[WFC](#) provisions, [national requirements](#), the present Guidelines, [using](#) their own professional .
- 3) ILO Inspectors shall take all measures for their part so that no violation of seafarers/fishers' rights, jeopardy to their health and welfare may occur.
- 4) In the event the situation cannot be identified as a deficiency or serious deficiency but which in specific circumstances may provide conditions for a deficiency to arise, such a fact shall be identified as an observation. The observation is optional and it may contain both terms of reference for potential nonconformities and possibilities for improvement.
- 5) Repeated identification of such an observation may not always be the basis for issuing the nonconformity. A decision to change the grading shall be taken by a specialist regarding the situation and professional statement.
- 6) In those events when there are objective evidences of serious deficiencies of the requirements concerning seafarers/fishers' working and living conditions, violations of fundamental seafarers/fishers' rights, including discriminatory cases associated with race, religion or gender, ILO Inspectors shall record this fact as a serious deficiency.

- 7) The data obtained in the course of the on-board MLC inspection shall be documented in a clear, short form and confirmed by objective evidences. They shall be reviewed by the Lead ILO Inspector in order to define whether the obtained data testify that the ship complies with the MLC regulations or there is objective evidence for a serious deficiency, deficiency or there are observations which registration could promote improvement of the ship's activity.
- 8) When making a decision about the gradation of deficiencies, not only seriousness but the frequency of the deficiencies shall be taken into account
- 9) While determining gradation, the ILO inspector shall take into account the following:
 - possibility to remedy the deficiency in the course of the on-board MLC inspection at the port;
 - duration of the voyage and its character;
 - character of danger for the crew, jeopardy to seafarers' health;
 - degree of seriousness of deficiency of the MLC requirements, seafarers' basic rights;
 - history of reiteration of deficiencies on board ship;
 - size and type of the ship, equipment fitted on board ship;
 - kind of the cargo carried;
 - number of deficiencies found during the on-board MLC inspection;
 - requirements of the ship documents (Minimum Safe Manning Document);
 - condition of the ship in the technical and sanitary respect;
 - execution of the requirements concerning hours of work and hours of rest;
 - character of deficiencies found at the previous verifications, inspections.
- 10) Repeated identified deficiency shall be recorded as a serious deficiency.
- 11) Any serious deficiency, deficiencies or observations shall be drawn up by the Deficiency/ Observation Note (Form 8.5.8/8.7.8), even if the deficiency has been remedied on-site, so as to keep the shipowner's performance of the MLC requirements under full control and prevent the recurrence in future at most.
- 12) Copies of documents, photo-/ video footage pursuant to which the Deficiency/ Observation Note was issued, shall be forwarded to the RHO for further review along with the package of records.
- 13) Deficiencies and observations shall be drawn up in Russian and English for ships flying the RF flag, for ships flying other flags - in the English language, and formulated in the basic terms of the MLC/WFC specific provisions.
- 14) The Deficiency / Observation Note (Form 8.5.8/8.7.8) shall indicate the specific fact identified as non-compliant with MLC/WFC Standard, its part or some of its requirements. Detailed description of the situation and all facts in support of the non-compliance with the prescribed requirement shall be stated in the Check List for the on-board MLC inspection, in the column "Comments".
- 15) In the course of on-board MLC inspections all observations and deficiencies shall be recorded in the Check List (Forms 8.5.6-1(A), 8.5.6-5(A), 8.7.6(A)), in the column "Comments".
- 16) If the identified and recorded deficiency during the inspection was remedied on-site, the ILO Lead Inspector shall make a note in the Deficiency/Observation Note (Form 8.5.8) endorsing that the deficiency was rectified (Part III, "Verification of CAP effectiveness"). A relevant entry shall also be made in the field "Remarks" of the Report by the ILO Lead Inspector in the Report on On-board MLC inspection (Form 8.5.9)
- 17) If to draw up the Deficiency/ Observation Note was the info obtained during the seafarers' interview, the appropriate entry shall be made in the Check Lists for on-board MLC inspections (Forms 8.5.6- 1(A), 8.5.6- 2(A), 8.5.6-5(A)). The entry shall not contain the names and positions of seafarers.
- 18) All observations and deficiencies shall be reviewed by the Lead ILO Inspector in cooperation with the shipowner's representative for clear understanding the results of the inspection by the Company
- 19) Before the Certificate (Statement of Compliance or Statement of Compliance (voluntary)) may be issued, endorsed or extended, the Lead ILO inspector shall ascertain that:
 - all deficiencies found during the inspection have been rectified; or
 - the shipowner (or his representative on board ship) has developed and agreed correction measures with him (on every outstanding deficiency), taken to remedy the situation.
- 20) Depending on the nature of deficiencies, the implementation of corrective actions may be verified in the course of a special or an additional on-board inspection. This requirement shall be ascertained by the Lead ILO inspector through entering into the Report on On-board MLC/WFC inspection (Form 8.5.9/8.7.9) of the Deficiency / Observation Note reference numbers (Form 8.5.8/8.7.8), subject to additional on-board MLC inspection.
- 21) Any deficiency found during the On-board MLC inspection regarding the seafarer's complaint, causes assignment of an additional inspection in order to ascertain that the corrective and preventive actions taken by the shipowner are effective.

5.6.2 Actions while identifying the serious deficiencies

- 1) The ILO Inspector shall immediately advise the shipowner's representative and the RHO Department 332 about a serious deficiency identified within one (1) working day.
- 2) The shipowner/fishing vessel owner shall, in no delay, take measures for its rectifying or bringing the grade down to the deficiency. A serious deficiency may be downgraded after the shipowner has taken measures to eliminate danger to seafarers'/fisher's safety, health or the violation of their rights.
- 3) MA shall be informed of all serious deficiencies, immediately, identified during the on-board inspection including those downgraded.
- 4) Where it is impossible to rectify the serious deficiency in situ, the ILO Inspector, having due regard to par. 6, may downgrade it to deficiency, provided that the shipowner has submitted the plan of corrective actions agreed upon with the ILO Inspector (Form 8.5.8/8.7.8, page 2). Deadlines periods of corrective actions shall not exceed three months from the date of inspection. Thus the ILO inspector in order to check the performance of the corrective actions shall assign the additional inspection to be carried out within the interval agreed upon with the shipowner and not exceeding 3 months from the date of assignment.
- 5) If the State Flag CA special directive is available for the period prior to additional inspection, the Certificate(Statement of Compliance) shall be issued for the ship of 3 (three) months' validity (refer to 5.5.2.1).
- 6) The major deficiencies shall be remedied in situ as follows:
 - Seafarer's/fisher's certificate confirming his qualification is unavailable;
 - seafarer's/fisher's certificate proving his safety familiarization is unavailable;
 - seafarer's/fisher's medical certificate is unavailable;
 - no person below the minimum age shall be employed or engaged for work onboard a ship compliant to national laws;
 - the employment, engagement or work of seafarers under the age of 18 shall be prohibited where the work is likely to jeopardize their health or safety;
 - the number of seafarers/fishers on board is insufficient;
 - the evidence is unavailable that the employment agreement has been concluded with a sailor;
 - the seafarer is missing who is in charge of health protection, medical care and welfare;
 - the seafarer responsible for health protection and medical care has no satisfactorily completed training in medical care;
 - ships carrying 100 or more persons, do not carry a qualified medical doctor;
 - wages are not paid within two terms and over regarding the national laws;
 - availability of evident financial securities on board in compliance with Standard A2.5.2 Repatriation;
 - unavailability of evident financial securities on board in compliance with Standard A4.2.1 Shipowner's Liability
 - availability of serious deficiencies identified twice.
- 7) If within the performed onboard MLC inspection a serious deficiency has been revealed with regard to the seafarer's complaint and working and living conditions of seafarers believed to be defective and their clear hazard to the safety, health or security of seafarers, the ILO inspector is not entitled to issue or endorse/certify the MLCCt (Statement of Compliance or Statement of Compliance (voluntary)).
- 8) Any serious deficiencies as well as deficiencies and observations revealed during the inspection related to the seafarer's complaint shall be recorded in the On-board MLC inspection Report taking into account the non-disclosure requirements stipulated by MLC.
- 9) If the serious deficiencies on-board can not be remedied in on-site in the presence of ILO inspector or the proposed corrective actions are considered by ILO Inspector insufficient, the ILO Inspector is not entitled to issue or endorse the Certificate.

5.6.3 Correction measures, corrective or preventive actions.

- 1) If under results of the on-board MLC inspection at least one Deficiency/ Observation Note has been issued, and the deficiency has not been rectified during the inspection, the shipowner/fishing vessel owner (or their representative on board ship) shall develop correction measures until the expiry date of the inspection, taken to remedy the situation, and agree with the ILO inspector.
- 2) The RS Branch Office/RHO Location carrying out the onboard MLC inspection ((hereinafter referred to as RS Branch Office/RHO Location in charge), shall exercise control over CAP submitting by the shipowner/fishing vessel owner, as well as objective evidences of eliminating deficiencies within the prescribed deadlines.
- 3) The shipowner shall review the deficiencies not rectified during the inspection and causes of their recurrence. In addition to correction measures, the shipowner/fishing vessel owner shall develop the corrective actions, e.g. measures to prevent their recurrence. The developed correction measures shall be included in all the relevant boxes and fields of the Deficiency/ Observation Note (Part II, Corrective Action Plan (CAP)). CAP filled out by a shipowner shall be sent to the Branch Office/RHO Location in charge within 1 month from the inspection expiry date.

- 4) Not later than 3 months from the inspection expiry date, the shipowner shall rectify the deficiencies and send CAP form to the Branch Office/RHO Location in charge, with the attached materials and/or documents confirming the corrective actions have been performed. Upon written authorization with RHO Department 332 the term of CAP submitting may be extended.
- 5) The Branch Office/RHO Location shall perform the review of the CAPs submitted by the shipowner and exercise control over rectification of deficiencies.
- 6) Violation of time periods agreed for CAP forwarding and rectification of deficiencies shall be considered as a basis for cancellation of the Certificate or Statement of Compliance.
- 7) If under results of the on-board MLC inspection, the Lead ILO inspector has assigned the additional inspection, in order to check the performance of the corrective actions, the shipowner/fishing vessel owner shall submit to the Register an appropriate request (Form 8.5.5/8.7.5) to inspect the ship in the prescribed scope. Excess of the specified period shall be agreed upon with the RHO Department 322 in a written form. Violation of time periods agreed for removal of deficiencies by the shipowner shall be considered as a basis for cancellation of the Certificate.
- 8) The preventive actions based on observations shall not be subject to the Register approval.
- 9) After receipt of a report from the shipowner/fishing vessel owner endorsing rectification of the deficiency, CAP shall be sent to RHO Department 332 to be uploaded in the DB "ILO".
- 10) After receipt of a report from the shipowner/fishing vessel owner endorsing rectification of the deficiency, CAP shall be sent to RHO Department 332 to be uploaded in the DB "ILO".

5.6.4 Performance check of corrective actions

- 1) In the course of subsequent on-board MLC/WFC inspections, the ILO Inspector shall verify the results of corrective actions in respect of deficiencies reported earlier, if the agreed deadline for the implementation of corrective actions has already expired.
- 2) Make a note in the case of satisfactory results in the Deficiency/Observation Note (Form 8.5.8), endorsing rectification of the deficiency and inspection of the observation (Part III, Form "Verification of CAP efficiency"), and deliver a copy of the Note to the RHO together within the reporting documents on on-board MLC inspection.
- 3) In the event it is revealed during the inspection that the recorded observation has recurred, but in this case it has not caused violation of MLC requirements, the ILO Lead Inspector shall make a note in the Observation Note (Form 8.5.8/8.7.8), endorsing that "deficiency is not revealed regarding observation" (Part III, Verification of CAP efficiency), and forward the copy of the Note to the RHO within the reporting documents on the inspection. Subject to this fact, the Lead ILO inspector shall issue new Deficiency Note (Form 8.5.8), having upgraded it.
- 4) In the event it is revealed during the inspection that the recorded observation has recurred, but in this case it has not caused violation of MLC/WFC requirements, the ILO Lead Inspector shall make a note in the Observation Note (Form 8.5.8), endorsing that "deficiency is not revealed regarding observation" (Part III, Verification of CAP efficiency), and forward the copy of the Note to the RHO within the reporting documents on the inspection.

5.7 Documents drawn up on the basis of the results on-board inspections

5.7.1 General

- 1) Documents based on the results of on-board MLC inspections (the Declaration and Certificate) shall be drawn up on blank forms of the established format without any omissions of the required data. The columns not filled in shall remain blank (-----). The text shall be computerized clearly and accurately (rather in the **Arial** print).). In special cases the Lead ILO Inspector may allow to draw up short-term documents and to fill in the fields of Part II of the Declaration in hand writing with block letters, without any corrections.
- 2) Templates of Certificate (Statement of Compliance) forms applied by RS in accordance with the requirements of Standard A5.1.3 of the MLC, are given in the List of RS electronic documents on the RS internal website:
- 3) Templates of Certificate forms applied by RS in accordance with the requirements of Standard A5.1.3 of the MLC, are given in the List of RS electronic documents on the RS official website.
- 4) Recommendations on filling out of the record forms are given in Section "Instructions" applicable in each form of the List of RS electronic documents.
- 5) For the ships making international voyages, the RS documents shall be drawn up:
 - In English, or
 - In English and working languages (if the working language differs from English), when the corresponding CA requirement is available. Translation into English shall have nomenclature applied in MLC/WFC respectively.

5.7.2 Records drawn up

5.7.2.1 Maritime Labour Certificate (Statement of Compliance for MLC) drawn up on board

- 1) Provided satisfactory results of Initial or /Renewal/Additional on-board MLC inspection and in case of reissuance of documents by the Lead ILO inspector as well, the MLCCt (MLC Statement of Compliance or MLC Statement of Compliance (voluntary)) may be issued with validity period of five (5) months and less.
- 2) The MLCCt (MLC Statement of Compliance or MLC Statement of Compliance (voluntary)) with validity period of five (5) months and less shall be issued for the issuance period of the Long-term document and for the purpose of control over rectification of deficiencies.
- 3) the MLCCt (MLC Statement of Compliance or MLC Statement of Compliance (voluntary)) with validity period of five (5) months may be issued following no serious deficiencies or provided that serious deficiencies found have been remedied in situ or provided that serious deficiencies have been downgraded, when the Corrective (Preventive) Actions Plan/CAP agreed upon with the ILO Inspector is available.
- 4) When serious deficiencies were identified within the inspection and which were downgraded, provided the appropriate MA directions are available, the Lead ILO inspector may issue the MLCCt (MLC Statement of Compliance or MLC Statement of Compliance (voluntary)) with the validity period of three (3) months (refer to 5.6.2.5).
- 5) The Certificate shall be in compliance with Form 8.5.3, and MLC Statement of Compliance – with Form 8.5.4- 2, and MLC Statement of Compliance (voluntary) – with Form 8.5.3-2. In this case, only the first page of the form shall be issued and printed out.

5.7.2.2 Maritime Labour Certificate (Statement of Compliance for Maritime Labour Convention) drawn up in the RHO

- 1) Provided satisfactory results of Initial or /Renewal/Additional on-board MLC inspection and in case of reissuance of documents by the lead ILO inspector as well, the MLCCt (MLC Statement of Compliance or MLC Statement of Compliance (voluntary)) may be issued with validity period of five (5) months and less.
- 2) Prior to issuing the MLCCt (Statement of Compliance or Statement of Compliance (voluntary)), the responsible Performer from the RHO Ships in Service Division shall ascertain, through review of the Report that the ship is fully inspected and complies with the MLC requirements.
- 3) Date of inspection after which the present MLCCt (MLC Statement of Compliance or MLC Statement of Compliance (voluntary)) is issued – date of the previous ship's inspection by the Lead ILO inspector under which the prescribed statutory inspection was completed for the statutory certificate to be initially issued or renewed.
- 4) The MLCCt (MLC Statement of Compliance or MLC Statement of Compliance (voluntary)) shall remain a valid document within five years provided that an Intermediate on-board MLC inspection is carried out between the second and third anniversary dates and additional inspections prescribed in the established procedure.
- 5) The MLCCt (MLC Statement of Compliance or MLC Statement of Compliance (voluntary)) may be issued or endorsed only following satisfactory on-board MLC inspection, the Declaration reviewed and certified, deficiencies remedied in situ or the correction measures are agreed upon with the RS inspector.
- 6) When the Renewal on-board MLC inspection has been completed
 - within three months before the expiry of the existing MLCCt (MLC Statement of Compliance or MLC Statement of Compliance (voluntary)), the new MLCCt (MLC Statement of Compliance or MLC Statement of Compliance (voluntary)) shall be valid from the date of completion of the Renewal on-board MLC inspection for a period not exceeding five years from the date of expiry of the existing MLCCt (MLC Statement of Compliance or MLC Statement of Compliance (voluntary)).
 - within more than three months before the expiry date of the existing MLCCt (MLC Statement of Compliance or MLC Statement of Compliance (voluntary)), the new MLCCt (MLC Statement of Compliance or MLC Statement of Compliance (voluntary)) shall be valid starting from the date of completion of the Renewal on-board MLC inspection for a period not exceeding five years.
 - after the expiry of the existing MLCCt (Statement of Compliance or Statement of Compliance (voluntary)), the new MLCCt (MLC Statement of Compliance or MLC Statement of Compliance (voluntary)) shall be valid from the date of completion of the Renewal on-board MLC inspection for a period not exceeding five (5) years from the date of expiry of the existing MLCCt (Statement of Compliance or Statement of Compliance (voluntary)).
- 7) The Certificate shall be in compliance with Form 8.5.3(A), and MLC Statement of Compliance – with Form 8.5.4- 2(A) and MLC Statement of Compliance (voluntary) – Form 8.5.3-2.
The MLCCt (MLC Statement of Compliance or MLC Statement of Compliance (voluntary)) shall be valid only with the Declaration attached thereto.

5.7.2.3 Interim Maritime Labour Certificate (Interim Statement of Compliance)

- 1) The Interim MLCCt (Interim Statement of Compliance or Interim Statement of Compliance (voluntary)) may be issued for a period not exceeding six months by the Lead ILO Inspector who has carried out the inspection with satisfactory results.
- 2) The Interim MLCCt (Interim Statement of Compliance or Interim Statement of Compliance (voluntary)) shall not be repeatedly issued or renewed.
- 3) The Interim MLCCt (Interim Statement of Compliance or Interim Statement of Compliance (voluntary)) may be issued to a ship following the completion of the inspection, having certified that:
 - the ship was inspected, as far as reasonable and practicable, for the MLC requirements specified in MLC Appendix A5-I;
 - the shipowner has demonstrated to the ILO Inspector that the ship has adequate procedures to comply with the MLC requirements;
 - the master is familiar with the requirements of this MLC and with his responsibilities for implementation of the MLC provisions;
 - the shipowner has developed a plan of implementation of the MLC requirements;
 - all the necessary information has been provided by the CA or RS (if the relevant authorization from the CA is available) so that Part I of the DMLC may be issued.
- 4) The Interim Certificate shall be in compliance with Form 8.5.4(A), and Interim Statement of Compliance – with Form 8.5.4-3(A), Interim Statement of Compliance (voluntary) – Form 8.5.4-1.

5.7.2.4 Letter of Review of the Declaration

- 1) Letter of Review of the Declaration (hereinafter, the Letter of Review) shall be issued by the lead ILO inspector in case of satisfactory results of the review, provided that:
 - the review has been performed at the shipowner's office; or
 - the review has been performed at the RS office; or
 - the review has been performed on board the ship but is not a part of the subsequent inspection.
- 2) Letter of Review (Form 8.5.2) is to confirm that the measures developed by the shipowner were reviewed by RS in respect of the ship in question and meet the national requirements stated in Part I of the Declaration.
- 3) The Letter of Review (Form 8.5.2) shall be issued for the period not exceeding six months.
- 4) The Letter of Review (Form 8.5.2) shall be issued to the shipowner for submitting to the RS surveyor appointed for conducting subsequent on-board MLC inspection. Upon satisfactory results of this on-board MLC inspection and issuing MLCCt (of MLC Statement of Compliance), the Letter of Review (Form 8.5.2) is no longer required.
- 5) The Letter of Review (Form 8.5.2) becomes invalid
 - when new Part I of the Declaration has been issued for the ship;
 - when the shipowner replaced; or
 - when the Flag changed: or
 - when the Declaration confirmed/.
- 6) The Letter of Review (Form 8.5.2) is a document to ease the interaction between the shipowner and RS and cannot be a subject to inspection by the port state, flag state or third persons.
- 7) The Letter of Review (Form 8.5.2) is not the basis for reducing the requirements while performing the review of Part II of the Declaration in respect of other ships of the shipowner.

5.7.2.5 MLC Inspection Report

- 1) The Inspection records shall be prepared under the guidance of the Lead ILO inspector.
- 2) The Inspection records of review of the Declaration shall contain as follows:
 - a copy of Part I of the Declaration (for the ships flying the flag other than RF);
 - a copy of certified Part II of the Declaration;
 - a copy of the Report on Declaration Review (Form 8.5.9) ;
 - a copy of the Deficiency/Observation Note (Form 8.5.8), if applicable;
- 3) Records of on-board inspection shall contain:
 - copy of the MLCCt (Form 8.5.3(A) and 8.5.4(A)) or a copy of Statement of Compliance (Forms 8.5.4-2 and 8.5.4-3) or Statement of Compliance (voluntary) (Forms 8.5.3-2 and 8.5.4-1) – certified or issued;
 - a copy of the Declaration certified and delivered to the shipowner (in the course of at the initial or renewal on-board MLC inspections);
 - a copy of Report on On-board MLC inspection (Form 8.5.9);
 - copies of the Deficiency/Observation Note (Form 8.5.8), if applicable;
 - copies of the Deficiency/Observation Note (Form 8.5.8) of the previous inspection, which were closed after verification of the effectiveness of corrective actions (if applicable);).
- 4) Inspection records of reissue of documents shall contain as follows:

- copy of the MLCCt (Form 8.5.3(A) and 8.5.4(A)) or a copy of Statement of Compliance (Forms 8.5.4-2 and 8.5.4-3), or Statement of Compliance (voluntary) (Forms 8.5.3-2 and 8.5.4-1) issued;
 - a copy of Part II of the Declaration certified and delivered to the shipowner;
 - a copy of Report for reissue of documents (Form 8.5.9);
- 5) Provided the MLCCt (MLC Statement of Compliance or MLC Statement of Compliance (voluntary)) have been reissued in the framework of the carried out on-board MLC inspection, the relevant entry shall be made in graph "Remarks" of the Report (Form 8.5.9), and the records shall be provided with the copies of relevant documents confirming the amendments.
- 6) The Lead ILO Inspector is responsible for completeness and accuracy of the Records.
- 7) The Lead ILO Inspector shall review and sign all original records listed in paras 1-3 of this Chapter including Check Lists for on-board MLC inspection. The signature shall be endorsed by the Lead ILO Inspector's seal.
- 8) Originals of Records, listed in paras 1-3 of the Chapter shall be delivered to the shipowner's representative (the ship's master). The originals of MLCCt (Statement of Compliance or Statement of Compliance (voluntary)) issued or certified by the ILO Inspector and of the Note (Form 8.5.9), shall be scanned in advance and photographed in good quality (resolution not less than 1024x768), allowing their free reading on the monitor screen.
- 9) Procedure for issue and preliminary verification of the records is specified in the Procedure for Control of Quality Records.
- 10) Records listed in 1 - 3 of this Chapter, to be addressed to the RHO, shall be generated in one file as
- scanned documents in PDF format in the black and white/BW, with resolution not less than 300dpi; or
 - document archive in RAR (or ZIP) format. Documents in the Archive shall be in the form of scanned documents in PDF format in black and white with a resolution of not less than 300dpi (at least Certificate or DOC, refer to par.11) or PDF document generated from the related RS Form (listed in par. 1 and 2 of this subsection except the Certificate or DOC, refer to par.11) by printing in ACROBAT Distiller or PDF Maker. In this case the name of the documents in the Archive shall contain the Form number (for example, 8_5_9(07_17).pdf for Report on On-board MLC inspection).
- 11) In any case the copies of the Report (Form 8.5.9) and MLCCt (MLC Statement of Compliance or MLC Statement of Compliance (voluntary)), performed as described in para 9 of the section, shall be included in the records file.
- 12) The summary file name or Archive shall contain the Authorization registration number in the DB "ILO". The Authorization No. corresponds to the Request No. specified in the Authorization (Form 8.5.23).
- For example, **SR-18_0120_048.PDF** is an identification No. of the Records of the Report of the on-board MLC inspection Report (or **DR-18_0120_048.PDF** for the Report on Declaration Review or **RR-18_0120_048.PDF** for the Report for reissue of documents performed according to the Authorization №16.0120.048 registered in DB "ILO").
- 13) The documents listed in 1 — 3 of this Chapter but being necessary as they are indicated in the Authorization or they confirm compliance/noncompliance with MLC requirements, or other documents, which are essential in the ILO Lead Inspector's opinion, are regarded as additional materials.
- 14) The latter shall mandatorily include:
- crew list;
 - Check List for on-board MLC inspection (Form 8.5.6-1(A), 8.5.6-2(A), 8.5.6-5(A), 8.5.6-2.1(A)) — Check Lists are not delivered to the shipowner except for the case specified in 5.3.3.5;
 - copies of documents mentioned in the Authorization (Form 8.5.23) in the Section "Remarks".
- 15) The additional materials may include copies of the ship documentation, photo report and material essential for drawing up the Deficiency/Observation Report (Form 8.5.8).as well. Additional material shall not be delivered to the shipowner's representative (the ship's master).
- 16) In order to generate a complete package of reporting documents all additional materials shall be previously scanned into a single file with a resolution of not less than 300dpi and PDF extension. The file name shall contain the Authorization registration number in the DB "ILO".
- For example, **SR-18_0120_048_AD.PDF** is an identification No. of the additional materials to the Report of the on-board MLC inspection Report (or **DR-18_0120_048_AD.PDF** for the Report on Declaration Review or **RR-18_0120_048_AD.PDF** for the Report for reissue of documents performed according to the Authorization №16.0120.048 registered in DB "ILO").
- 17) Term of forwarding the records on the on-board MLC Inspection addressed to the RHO Ships in Service Division in electronic format via "Thesis" System is ten (10) working days unless otherwise is specified in the RHO additional instructions.
- 18) When serious deficiencies were identified within the inspection and which were downgraded, the term of forwarding the file of records on the on-board MLC Inspection addressed to the RHO Ships in Service Division - one working day.

- 19) When generating the internal document in "Thesis" System with the file of records in the column "Detailed description", the following shall be specified as a minimum:
 - MLC (type of request);
 - RS Branch Office (code);
 - ship;
 - type of survey;
 - the shipowner's name (company);
 - ship's name (in Russian if flying the RF flag and in English if other);
 - IMO number assigned to the ship;
 - Authorization No.;
 - Report on Results No.;
 - date;
 - Report; files' names of the records;
 - Additional material: file's name of the additional material.
- 20) Templates of forms are presented in the List of RS electronic forms in the RS official website.
- 21) The Records shall be kept within five (5) years.

5.7.2.6 Work in Fishing Convention Certificate (WFCCt) (or Statement of Compliance for WFC), drawn on board

- 1) Provided satisfactory results of Initial or Renewal on-board WFC inspection and in case of reissuance of documents by the Lead ILO inspector, the WFCCt (WFC Statement of Compliance) may be issued with validity period of five (5) months and less.
- 2) WFCCt (Statement of Compliance for WFC) with validity period of five (5) months may not be issued in case of serious deficiencies found on board.
- 3) The WFCCt (WFC Statement of Compliance) with validity period of five (5) months and less shall be issued for the issuance period of the Long-term document and for the purpose of control over rectification of deficiencies. The WFCCt shall be issued as per Form 8.7.3-1 and WFC Statement of Compliance – as per Form 8.7.4-1. In this case, only the first page of the form shall be issued and printed out.

5.7.2.7 Work in Fishing Convention Certificate (WFCCt) (or Statement of Compliance for WFC), drawn up in RHO

- 1) WFCCt (WFC Statement of Compliance) shall be issued by RHO for a period not exceeding five years when the results of the on-board MLC inspections (Initial or Renewal, or Additional, or reissue of documents) are satisfactory.
- 2) Prior to issuing the WFCCt (WFC Statement of Compliance), the responsible performer from RHO Department 332 shall ascertain, through review of the Inspection Report that the ship is fully inspected and complies with the WFC requirements.
- 3) Date of WFC inspection after which the present WFCCt (WFC Statement of Compliance) is issued – date of the previous ship's inspection by the Lead ILO inspector under which the prescribed statutory inspection was completed for the statutory certificate to be initially issued or renewed.
- 4) WFCCt (WFC Statement of Compliance) may be issued or endorsed only following the satisfactory on-board WFC inspection.
- 5) WFCCt shall be drawn up as per Form 8.7.3(A), and WFC Statement of Compliance as per Form 8.7.4(A).

5.7.2.8 WFC Inspection Report drawn up

- 1) Records of on-board WFC inspection and reissue of documents shall be prepared under the supervision of the Lead ILO Inspector and shall contain:
 - a copy of the certified or issued WFCCt (Forms 8.7.3, 8.7.3-1) or WFC Statement of Compliance (Forms 8.7.4 and 8.7.4-1);
 - a copy of Report on On-board WFC inspection (Form 8.7.9);
 - copies of the Deficiency/Observation Note (Form 8.7.8), if applicable;
 - copies of the Deficiency/Observation Note (Form 8.7.8) of the previous inspection, which were closed after verification of the effectiveness of corrective actions (if applicable);
 - Plan of corrective actions (if required).
- 2) Provided the WFCCt (WFC Statement of Compliance) have been reissued in the framework of the performed on-board WFC inspection, the relevant entry shall be made in graph "Remarks" of the Report (Form 8.5.9), and the records shall be provided with the copies of relevant documents confirming the amendments.
- 3) The Report and Notes shall be drawn up for the ships as follows:
 - flying RF flag and engaged on international voyages in Russian and English;
 - for the ships flying the RF flag not engaged on international voyages, the issue is permitted only in Russian;
 - for ships flying other flags - in the English language, and formulated in the basic terms of the WFC specific provisions.

- 4) The Lead ILO Inspector is responsible for completeness and accuracy of the Records.
- 5) The Lead ILO Inspector shall review and sign all original records listed in 5.6.3.1 including Check Lists for on-board WFC inspection. The signature shall be endorsed by the Lead ILO Inspector's seal.
- 6) Originals of the Report (Form 8.7.9), the Deficiency/Observation Note (Form 8.7.8) shall be signed by the fishing vessel owner's representative (the fishing vessel's master).
- 7) Originals of Records, listed in 5.6.3.1 shall be delivered to the fishing vessel owner's representative. The original of the WFCt (WFC Statement of Compliance) issued or certified by the ILO Inspector, shall be scanned in advance.
- 8) Records listed in 5.6.3.1, to be addressed to RHO, shall be generated in one file as:
 - scanned documents in PDF format in the black and white/BW, with resolution not less than 300dpi; or
 - document archive in RAR (or ZIP) format. Documents in the Archive shall be in the form of scanned documents in PDF format in black and white with a resolution of not less than 300dpi (at least Certificate) or PDF document generated from the related RS Form (listed in 5.6.3.1 except WFCt (WFC Statement of Compliance), refer to 5.6.3.9) by printing in ACROBAT Distiller or PDF Maker. In this case the name of the documents in the Archive shall contain Form 8_5_9(04_20).pdf - Report on On-board WFC inspection.
- 9) The file name shall contain the Authorization registration number in the DB "ILO".
For example, **SR-20_0120_048** is an identification No. of the Records of the Report of the on-board WFC inspection performed according to the Authorization No. 20.0120.048 registered in DB "ILO".
- 10) The documents not listed in 5.6.3.1 but being necessary as they are indicated in the Authorization or they confirm compliance/noncompliance with MLC requirements, or other documents, which are essential in the ILO Lead Inspector's opinion, are regarded as additional materials.
- 11) The additional materials shall mandatorily include:
 - crew list;
 - Check List for on-board MLC inspection (Form 8.7.6(A)) - Check Lists are not delivered to the fishing vessel owner;
 - copies of documents mentioned in the Authorization ("Thesis" System) in the Section "Remarks".
- 12) The additional materials may include copies of the ship documentation, photo report and material essential for drawing up the Deficiency / Observation Report (Form 8.5.8) as well. Additional material shall not be delivered to the fishing vessel owner's representative (the fishing vessel owner's master).
- 13) In order to generate a complete package of reporting documents all additional materials shall be previously scanned into a single file with a resolution of not less than 300dpi and PDF extension. The file name shall contain the Authorization registration number in the DB "ILO". For example, **SR-20_0120_048_AD** is an identification No. of the additional materials to the Report of the on-board WFC inspection Report performed according to the Authorization No. 20.0120.048 registered in DB "ILO".
- 14) Term of forwarding the records on the on-board WFC Inspection addressed to RHO Department 332 in electronic format via "Thesis" System is ten (10) working days unless otherwise is specified in the RHO additional instructions.
- 15) When generating the internal document in "Thesis" System with the file of records in the column "Detailed description", the following shall be specified as a minimum:
 - WFC (type of request);
 - RS Branch Office (code);
 - ship/fishing vessel;
 - type of survey;
 - the fishing vessel owner's name (company);
 - ship's name (in Russian if flying the RF flag and in English if other);
 - IMO number assigned to the ship/fishing vessel;
 - Report on Results No.;
 - Date of Report.
- 16) On-board WFC inspection Report and Deficiency/Observation Notes shall be registered by a responsible performer designated by the Head of the RHO Department 332 in the DB "ILO" according to the results of checking the Records.
- 17) The Records shall be kept within five (5) years.

5.8 Check of records in RHO

- 1) After completion of on-board inspection the package of records shall be reviewed by the Head of RHO Department 332 so as to take a decision on issue of the MLCCt (or MLC Statement of Compliance, or MLC Statement of Compliance (voluntary)) or certifying DLMC, or endorsing the MLCCt validity (or MLC Statement of Compliance, or MLC Statement of Compliance (voluntary)).
- 2) On-board MLC/WFC inspection Report, Reports on Declaration review, and Deficiency/Observation Notes shall be registered upon the results of records check by a responsible performer designated by the Head of RHO Department 332.

- 3) Verification of documents issued upon results of on-board MLC inspections shall be carried out in compliance with chapter 5 of ND No. 2-060203-028-E – Procedure for Control of Quality Records.
- 4) The term of forwarding the file of records on the on-board MLC/WFC Inspection addressed to the CA of the flag State – ten working days from the date of receipt the full file of records.
- 5) When serious deficiencies were identified and recorded within the inspection and which were downgraded, the term of forwarding the file of records on the on-board MLC/WFC Inspection addressed to the CA of the flag State - one working day.
- 6) If based on the results of verification check of records the RHO performer in charge reveals that the nature of the breach identified does not comply with the established degree in the Deficiency / Observation Note (Form 8.5.8/8.7.8), the decision to change the grading level may be taken with further notice to the shipowner / fishing vessel owner.
- 7) If based on the results of review of records, the responsible performer from RHO has ascertained that the nature of deficiency and/or observation requires additional inspection, the RHO can upgrade the proven fact and assign additional inspection of a ship with the view of verification of performance of corrective actions
- 8) In case a decision to change the grading of deficiency and/or observation as well as assignment or cancellation of the requirement to assign an additional inspection, the RHO person in charge shall inform concerning this of the shipowner, Head of the RS Branch Office having carried out the inspection and the RS Branch Office for in-service supervision.

5.9 RS remote actions

- 1) Possibility and conditions of the remote confirmation of compliance with the RS requirements, their extension or cancellation, as well as remote extension of the submission date for the Additional on-board inspection, shall be determined by RHO upon the shipowner's or RS Branch Office's written request by which the shipowner's request was received, and where necessary, the RHO shall request the opinion of the RS Branch Office for in-service supervision.
- 2) Where the conditions, assigned by RS to perform the remote action cannot be carried out by the shipowner, the RS positive decision shall become invalid and the ship shall undergo an inspection with the mandatory ship attendance by the RS surveyor.
- 3) The following actions may be performed remotely:
 - determination of possible due dates for the CAP fulfillment;
 - determination of possible changing of the due submission date for the Additional on-board MLC inspection;
 - determination of possible cancellation of RS requirements, previously issued imprudently or illegally.
- 4) A resolution on the possibility of the remote action specified in para 3 shall be stated by RHO in writing. RHO shall inform the shipowner, Head of the RS Branch Office having performed the inspection and the RS Branch Office where the ship is registered.

5.10 Procedure for recording and storage of documents

- 1) Recording of the documents related to on-board MLC inspections shall be performed by means of keeping the Record Book for Declarations and the Record Book for Certificates (Statement of Compliance) in the electronic DB "ILO".
- 2) Responsibility for control of periods of intermediate and renewal on-board MLC inspections shall rest with the RHO Department (332).
- 3) Copies of records shall be stored at the RHO (in the ship's file) in the electronic form. Storage of records in the RS Branch's Archive, wherein the ship is registered, is not mandatory
- 4) The period of maintenance of records is the same as the storage period of the relevant Declaration and/or (Statement of Compliance) which they are related to, and it shall be at least five years.

5.11 Document forms

- 1) **Document forms used during the MLC services.**
 - a) Templates of document forms, issued by the Lead ILO inspector in the course of works on the on-board MLC inspections, are available in the List of RS electronic forms of documents at the RS official website.
 - b) Templates of document forms to be used by the shipowners are available in the Section "Services – on-board MLC inspection" at the RHO official website.
- 2) **Document forms used during the WFC services.**
 - a) Templates of document forms, issued by the Lead ILO inspector in the course of works on the on-board WFC inspections, are available in the List of RS electronic forms of documents at the RS official website.
 - b) Templates of document forms to be used by the fishing vessel owners are available in the Section "Services – on-board WFC inspection" at the RHO official website.

6 Procedure for withdrawal and renewal of Certificates

6.1 Withdrawal of Certificates (Statement of Compliance)

- 1) Certificate (including the Interim Certificate) and Statement of Compliance (Interim Statement of Compliance included or Statement of Compliance (voluntary) including Interim Statement of Compliance (voluntary)) as well shall be terminated in the following cases, when:
 - a) ship is not submitted for the Intermediate on-board MLC inspections within the periods of dates specified under par.2 of Standard A5.1.3 in the MLC;
 - b) The Certificate (or Statement of Compliance, or Statement of Compliance (voluntary)) has not been endorsed;
 - c) A ship is not submitted for the Additional on-board inspection within the prescribed periods of dates;
 - d) The Certificate (or Statement of Compliance, or Statement of Compliance (voluntary)) is not certified within the Additional on-board MLC inspection;
 - e) corrective actions have not been taken within the specified periods of dates;
 - f) there is a serious deficiency not rectified;
 - g) sale or decommission of the ship occurs;
 - h) ship changes a flag;
 - i) shipowner ceases to assume his responsibility for the ship's operation;
 - j) assignment of CA of the flag State to withdraw the Certificate is available;
 - k) substantial changes have been made to the ship's construction or equipment contained in Title 3 of the MLC;
 - l) obligation to pay off the RS services is not fulfilled.
- 2) In cases listed in par. 1) - g)-k) the shipowner shall, with no delay, notify the RS about this fact so that the RS might take further actions.
- 3) In cases listed in par. 1) - a)-f), when the RS has grounds to withdraw The Certificate (or Statement of Compliance, or Statement of Compliance (voluntary)), the RS shall, with no delay, advise the CA of the flag State and shipowner in writing.
- 4) The Certificate (or Statement of Compliance, or Statement of Compliance (voluntary)) shall be withdrawn by the RS:
 - a) in cases listed in par. 1) - g)-k) after receipt of the relevant notification;
 - b) in cases listed in par. 1) – a)-f) in the event of available relevant CA of the flag State assignment.
- 5) In the case of non-fulfilment of obligations to pay off the RS services within the dates agreed upon in the General conditions for rendering services by Russian Maritime Register of Shipping, the RS is entitled to withdraw the Certificate in accordance with the General conditions for rendering services by Russian Maritime Register of Shipping. Upon expiration of the time specified in the General conditions for rendering services by Russian Maritime Register of Shipping, the RS shall notify the shipowner about the breach of the time of payment of the RS service and warns about withdrawal of the Certificate unless the payment is to be paid within two weeks. The Certificate may be withdrawn in 15 (fifteen) days after the shipowner's notification.
- 6) In case of the MLCCt (or MLC Statement of Compliance, or MLC Statement of Compliance (voluntary)) withdrawal the data on which shall be removed from the Ship's Status and this information is communicated to the Flag State Administration, RS Branches (wherein the ship is registered) and other organizations concerned.

6.2 Renewal of Certificate

- 1) Procedure for renewal of the Certificate (or Statement of Compliance, or Statement of Compliance (voluntary)) shall be applied to the following cases of withdrawal specified in 6.1, par.1 - a)-f) и l).
- 2) To renew the Certificate (Statement of Compliance) the RS shall be notified by the shipowner in writing that the causes which resulted in the Certificate withdrawal have been rectified
- 3) For the ship which Certificate (or Statement of Compliance, or Statement of Compliance (voluntary)) has been withdrawn due to one or a few serious deficiencies available, a new Certificate (or Statement of Compliance, or Statement of Compliance (voluntary)) shall not be issued until after the following conditions have been completed:
 - all serious deficiencies are rectified;
 - the Declaration (DMLC) is reviewed and certified;
 - On-board MLC inspection carried out to verify that deficiencies in the seafarers'/fisher's working and living conditions on board ship remedied in the manner that they are no more jeopardy to the seafarers'/fisher's health, rights and are in full extent meeting the MLC/WFC requirements.
- 4) Where, upon results of the on-board MLC inspection carried out in accordance with para 3), objective evidences exist confirming the fact that there is one or more serious deficiencies which shall be rectified by the shipowner in situ. In the case of impossible rectification of serious deficiencies in situ, MLCCt (or MLC Statement of Compliance, or MLC Statement of Compliance (voluntary)) shall not be issued.

- 5) Where, upon results of the inspection carried out in accordance with the requirements under 3) and 4), objective evidences exist confirming the fact that the seafarers'/fisher's working and living conditions on board ship are in compliance with the MLC/WFC requirements, and serious deficiencies are not available, a new Certificate may be issued.
- 6) In any case, the MLC Ct (or MLC Statement of Compliance, or MLC Statement of Compliance (voluntary)) may be only reinstated in the event of satisfactory results of inspection **within the scope of initial inspection**. Validity of the reinstated Certificate shall be determined as per the period of the previously withdrawn one.

7 Procedure for transfer of MLC inspection

7.1 Application

- 1) The present section of the Guidelines shall establish the procedure for the transfer of MLC certification from one classification society (losing society or LS) to another society (gaining society or GS), and shall be applied regardless the fact that such inspections are mandatory or voluntary.
- 2) This procedure shall be applied in all cases of transfer of MLC certification between classification societies except the following cases:
 - Upon change of shipowner.
 - If the Certificate (Statement of Compliance) issued for a ship being a subject of transfer is an Interim certificate (Interim Statement of Compliance) (Forms 8.5.4(A), 8.5.4-3).
- 3) Societies shall keep up to this procedure after receiving form the shipowner of request for transfer of MLC certification from one society to another society.
- 4) Technological graphical scheme of transfer of MLC certification is shown in Appendix B.

7.2 RS obligations as gaining society

- 1) When receiving request from the shipowner on transfer of MLC certification from another society RS shall in writing inform the shipowner that such request may be accepted only after a confirmation (with accompanying documents) shall be received that:
 - existing Certificate was not exempted or in other way was invalidated by LS or Administration of flag;
 - all inspections initiated by LS were completed with satisfactory results if not otherwise agreed by gaining and losing societies; and
 - any serious deficiencies were liquidated or downgraded by LS.
- 2) Having received from the shipowner written request on transfer of MLC certification RS shall notify LS stated in the request using stage 1 of the Form TC MLC.
- 3) When filling in stage 1 of the Form TC of MLC initials, family name and position of the RHO Ships in Service Division officer who performed works shall be stated in the fields **Responsible Person** and **Position**.
- 4) Contact persons, faxes and e-mail addresses for corresponding with IACS Societies regarding matters of transfer of MLC certification are specified on the IACS official website in section "IACS PR36 CONTACT DETAILS (for MLC Matters)".
- 5) If inspections status data to be specified on stage 2 of Form TC MLC, shall not be received from LS within 3 (three) working days after notification RS may use data and information about inspections provided by the shipowner. In such cases the shipowner shall be reminded that provisions of par.7.2.1 shall be executed when RS requests this information from the shipowner.
- 6) If Part II of the Declaration was reviewed and certified earlier by LS then RS shall again review Part II of the Declaration prior on-board inspection stated in par.7.2.7 below. If Part II of the Declaration was reviewed by the Administration of flag then RS shall act in accordance with instructions of the Administration of flag related to approval of the Part II of the Declaration.
- 7) MLC inspection shall be held in order to issue new Certificate. If the Certificate is issued by the Flag Administration, the surveyor may verify such Certificate on its behalf if he is duly authorized.
- 8) When performing MLC inspection RS shall check all the MLC elements to the extent it is authorized by Administration of flag as well as performing any requirements of the Administration of flag and any matters aroused during the last inspection performed by LS. If transfer of MLC certification is performed within the limits of intermediate or renewal inspections then it may be the inspection prescribed by 10.2.7.
 - a) If applicable taking into account materials received during stage 2 of this procedure from LS or shipowner Lead ILO inspector shall:
 - plan time for estimation of effectiveness of correction actions on deficiency(s) revealed by LS, reflecting this actions where applicable under the Inspection Plan (Form 8.5.9, page 2);
 - during inspection – collect objective evidences to confirm effectiveness of correction actions performed by shipowner. If correction actions shall be considered effective then corresponding remarks shall be made in Act(s) of LS;

- when issuing the inspection results the remarks shall be made confirming checking of effectiveness of correction actions on previous deficiencies revealed by LS in:
 - used Check List;
 - corresponding Report on On-board MLC inspection (Form 8.5.9);
- b) Report on MLC inspection forwarded to RHO shall be accompanied by copies of Acts of LS with remarks on its checking, and if necessary attach copies of objective evidences confirming Lead ILO inspector actions.
- 9) If the inspection is satisfactory and RS issues new Certificate then it shall within one (1) month after its issue notify LS filling in stage 3 of Form TC MLC.
- 10) If the inspection is unsatisfactory and as a result transfer of MLC certification has not been confirmed, RS shall notify LS within two (2) working days from the date of inspection filling in stage 3 of the Form TC MLC and attach inspection report specifying reasons for refusal.

7.3 RS obligations as losing society

- 1) RS shall act providing data established by stage 2 of the Form TC MLC within three (3) working days after receiving of filled in stage 1. Documentation attached by RS to the Form shall include.
 - last issued MLCCT;
 - last MLC inspection report including any revealed deficiencies;
 - in case of deficiencies it shall include plan of correction actions and period(s) of their supposed performance;
 - any other data which may be significant for making decision either to accept or refuse transfer of MLC certification.
- 2) Having received information that GS has issued new Certificate RS shall issue Notification of Maritime Labour Certificate withdrawal (Form 8.5.22) ensuring that GS is in mail list.
- 3) Having received information that inspection unsatisfactory due to not eliminated serious deficiencies identified by GS RS shall review received data and apply corresponding measures.

7.4 Other requirements

Any administration differences arising in connection with implementation of the present procedure requirements which may not be removed together by gaining and losing Societies shall be brought before court of Permanent secretary for final settlement in accordance with IACS procedures, volume 3 Section 4 "IACS procedure on complaints review".

8. Interaction with PSC/port authorities

- 1) While visiting a ship by RS inspector based on the ship inspection findings by Port State Control Officer (PSCO), it is necessary to review all submitted objective evidence of the remarks available.
- 2) If the RS inspector considers the evidence have specified the available serious deficiency, that serious deficiency shall be documented, and the shipowner shall be notified immediately. The RS inspector shall act as specified regarding actions if serious deficiencies are identified.
- 3) Where no special instructions from the Flag State Maritime Administration are available, the scope of the additional inspection of the ship with Interim Statement of Compliance for Maritime Labor Convention shall involve (as a minimum) check of deficiencies identified by the Port State Control Officer (PSCO).
- 4) In case of RS inspector disagrees upon with gradation of "serious deficiency" identified by PSCO on board, the final decision on further actions remains with PSCO in accordance with authorities assigned to him.
- 5) In case of RS inspector disagrees upon with PSCO's decision, he shall express disagreement in writing and inform the Flag State MA.

9. Responsibility and authorization

9.1 Responsibility of RS

- 9.1.1 RS authorized as a Recognized Organization (RO) in respect of carrying out MLC inspections, shall demonstrate to the extent necessary for the activities on behalf of the relevant state of flag, , that:
 - a) it is in possession of the personnel with adequate knowledge (in compliance with Procedure for the Selection, Training, Qualification and Authorization of ILO Inspectors) and necessary experience in appropriate aspects of the MLC, including:
 - minimum age of seafarers;
 - medical certification of seafarers;
 - qualification of seafarers;
 - seafarers' employment agreements;
 - use of any licensed or certified or regulated private recruitment and placement service;
 - hours of seafarers' work or rest;
 - manning levels for the ship;

- crew accommodation;
 - on-board recreational facilities;
 - food and catering;
 - health and safety and accident prevention;
 - on-board medical care;
 - on-board complaint procedures;
 - payment of wages;
 - entitlement to leave;
 - financial security for repatriation;
 - financial security relating to shipowners' liability.
- b) it has the ability to maintain and update the expertise of its personnel;
 - c) it has necessary knowledge of the requirements of the MLC, as well as the applicable national laws and regulations and relevant international instruments;
 - d) it is of the appropriate size, structure, experience and capability;
 - e) it has the staff of ILO Inspectors to render relevant services on on-board MLC inspection and who has the training, competence as well as terms of reference to ensure compliance of the working, living and recreation conditions with the MLC requirements;
 - f) it is in possession of a sufficient number of qualified employees to perform their responsibilities in compliance with the MLC over the extensive geographical area.
- 2) Personnel participating in on-board MLC inspection shall ensure confidentiality of all information received during the inspection.

9.1.2 RS Director General

- 1) shall approve the present Guidelines and amendments thereto;
- 2) shall define the RS general policies aiming at highly effective system of on-board MLC inspection.

9.1.3 Deputy Director General - Head of Marine Directorate

- 1) shall coordinate and control the processes of on-board MLC inspection;
- 2) shall be responsible for pursuing the RS general policies when implementing these processes, as well as their continuous improvement.

9.1.4 Head of Ships in Service Division

- 1) shall implement the guidance and coordination of services in the RS system in respect of inspection for compliance with the MLC requirements;
- 2) shall be responsible for timely development and correction of the normative documents associated with these processes, objective review of recording documents and grounded suggestions submitted to the RS Management on their continuous improvement.
- 3) shall organize reviews of RS activities associated with on-board MLC inspections.

9.1.5 Head of the RS Branch Office

- 1) shall ensure practical fulfilment of the requirements of the present Guidelines by the personnel of this Branch Office;
- 2) where, upon results of the carried out on-board MLC inspection, deficiencies have been found, the Head of the RS Branch Office shall ensure:
 - control of submission by the Company (shipowner) of the Record of corrective actions taken within the prescribed periods and for compliance with the plan agreed upon;
 - review of obtained information about the corrective actions taken;
 - submission of information about review results to the Company (shipowner) and to the RHO for the purpose of making a decision of possibility to remove the found deficiency from the operative control.

9.1.6 Responsibilities of the lead ILO Inspector

- 1) Where, upon results of the inspection, at least a single deficiency was found, the lead ILO Inspector heading the team shall inform the shipowner's / ship's responsible representatives (if applicable, the shipmaster's appointed person) about the RS prescribed order of actions relating to such deficiencies.
- 2) The Lead ILO Inspector shall be responsible for:
 - planning and fulfillment of the imposed responsibilities effectively and efficiently;
 - fulfillment of applicable requirements and other relevant directions;
 - information about any serious difficulties arising in the course of on-board MLC inspection;

- organization of technical specialists' assistance necessary for the competent inspection, when and where applicable;
 - submission and explanation of deficiencies to the shipowner with no delay;
 - information about any observations;
 - information about on-board MLC inspection results clearly, persuasively and with no superfluous delays;
 - submission of the records associated with the on-board MLC inspection to the shipowner;
 - verification of effectiveness of corrective actions taken by the shipowner.
- 3) The Lead ILO Inspector shall ensure confidentiality of documents associated with the on-board MLC inspection.
- 4) Where evidences are available of not rectified serious deficiency, the ILO Inspector shall take activities, as prescribed in 4.6.6 Section 4, informing the Authorities of the Port State Control, if applicable.

9.1.7 Responsibilities of the inspection team

- 1) The ILO Inspector shall be responsible for the following:
- effective and efficient performance of the authorized on-board MLC inspection;
 - fulfillment of applicable requirements and other relevant directions;
 - indication to any substantial circumstances which prevented from on-board MLC inspection;
 - organization of special technical assistance, if necessary for endorsement of compliance;
 - information about on-board MLC inspection results in a clear, persuasive form and with no superfluous delays.

10 Issue of Declaration of Maritime Labour Compliance - Part I

10.1 General

- 1) The section regulates the preparation and issue of DMLC - Part I (Form 8.5.1-1RU).
- 2) RS assumes the authority of a recognized organization (RO) for the preparation and issue of DMLC - Part I in accordance with an agreement with the Ministry of Transport of the Russian Federation.
- 3) DMLC - Part I is developed by RS on behalf of the CA and complies with the form established by MLC Appendix A5-II.
- 4) DMLC - Part I:
contains a list of questions to be checked in accordance with para. 1 of standard A5.1.3;
contains national requirements, reflecting the relevant MLC provisions taking into account the relevant provisions of national regulations and legal acts, and, as necessary, containing brief information on the main content of the national requirements;
indicates specific and the ship type-dependent requirements imposed by national laws and regulations;
takes into account any substantive equivalent provisions adopted pursuant to para. 3 of MLC Article VI;
clearly indicates any exemptions that are submitted by the CA in accordance with the provisions of MLC Section 3.
- 5) DMLC - Part I shall not cover all national laws or regulations, or other measures taken to implement the MLC requirements. DMLC - Part I shall be considered complete if it specifies each of the areas subject to verification, the requirements of national laws and regulations on the issues specified in Appendix A5-II.
- 6) DMLC - Part I is drawn up in Russian and English and published in the RS external website.

10.2 Procedure for analysis of requests for issue of Declaration of Maritime Labour Compliance - Part I

- 1) The beginning of the RS work for the registration of the DMLC - Part I is the appeal (letter, fax, e-mail) of the shipowner to the address of the RHO department (332), which contains a duly completed application for issue of DMLC - Part I (Form 8.5.5-1).
- 2) The request shall be considered duly completed, provided that the required fields are filled in and the documents listed in the request are submitted.
- 3) If the request arrives at the address of the RS division, then it shall be promptly redirected to the address of the RHO department (332) for registration and analysis.
- 4) If RS receives a request that is not properly drawn up, RS reserves the right not to accept it for consideration.
- 5) Head of the RHO department (332) or his replacement shall appoint a responsible executive from among the trained personnel of the RHO department (332).
- 6) Before registering a request to the ILO database, the responsible executor shall ascertain that a request for an initial MLC inspection (Form 8.5.5) has been received or that the shipowner has applied to another software to carry out an initial inspection.
- 7) Furthermore, the responsible executor shall examine the request for the possibility of performing the requested service by RS.

- 8) If, as a result of the analysis, it is established RS is unable to perform the request, the shipowner shall be notified about it. In this case, it is reported about the possible ways of performing the request. The request shall be cancelled with a mark in the "ILO" database.

10.3 Request registration

- 1) The responsible executor registers the request in the "ILO" database, which automatically assigns an identification number in the following order:
For example, REQUEST No. **20.0010.048**:
20 - the last two digits of the year of receipt of the Request (2020);
0010 - a serial number of the Request in the "ILO" database;
48 - conditional code related to RS activities in terms of applying the requirements of the MLC, 2006.
- 2) The responsible executor notifies the shipowner that the request has been accepted for work and the DLMC - Part I shall be sent after receipt of the report on the passage of the initial MLC inspection and the satisfactory results of the initial inspection.
- 3) In the event that the ship has an exemption from the fulfillment of mandatory requirements (exemptions) in relation to the structure and equipment, the responsible executor shall introduce the wording of the corresponding exemptions into the DMLC - Part I.

10.4 Issue of Declaration of Maritime Labour Compliance - Part I

- 1) After receiving the report on the initial MLC inspection of the ship with the satisfactory results, the responsible executor shall issue DLMC - Part I, which shall be automatically assigned a number in the following form:
For example, DLMC - Part I No. **20.0161.RU.1**:
20 - the last two digits of the year of receipt of the Application (2020);
0161 - a serial number of the Declaration in the "ILO" database;
RU - an identifier of the flag of the Russian Federation
.1 - a number of the reissue of DLMC - Part I.
- 2) The responsible executor shall ascertain that the version of DLMC - Part I being prepared is up-to-date and correct and then send it for verification to one of the employees of the RHO department (332).
- 3) After verification, the Declaration in hard copy is signed and sealed.
- 4) Prepared DLMC - Part I and a cover letter shall be submitted via "THESIS" system for approval to Director General.

10.5 Reissue of Declaration of Maritime Labour Compliance - Part I

- 1) Reissue of DLMC - Part I is carried out on the basis of an appeal from the shipowner sent to RHO.
- 2) DLMC - Part I is reissued only for a ship that has a valid Declaration and Certificate.
- 3) DLMC - Part I is reissued in the following cases:
 - a) amending the content of the "Exemptions" section;
 - b) change of ship name or gross tonnage;
 - c) loss or damage to a previously issued DMLC - Part I;
 - d) changes in the CA requirements for the content of the DMLC - Part I;
 - e) changes to the MLC requirements in relation to the content of the DMLC - Part I;
- 4) The responsible executor re-publishes DLMC - Part I, which automatically changes the reissue number:
- 5) For example, DLMC Part I No. 20.0161.RU.2, where the last digit "2" is the number of the reprint of the DMLC - Part I reissue.

10.6 Cancellation of Declaration Maritime Labour Compliance - Part I

- 1) DLMC ceases to be valid if MCCt is cancelled on the following grounds:
 - a) there is a sale or decommissioning of a ship;
 - b) the ship is transferred under the flag of another state;
 - c) the shipowner disclaims responsibility for the operation of the ship;
 - d) there is the CA notification to cancel MLCt;
 - e) the structure or equipment of the ship covered by the MLC section 3 has undergone significant changes;
- 2) The declaration may be canceled in the event that the Certificate expires for the following reasons:
 - a) the ship was not presented for an intermediate survey within the time limits specified in para. 2 of the MLC Standard A5.1.3;
 - b) MCCt not endorsed in accordance with para. 2 of the MLC Standard A5.1.3;
 - c) the ship was not presented for an additional survey within the established time frame;
 - d) MLLCt is not confirmed in the framework of the additional survey;
 - e) corrective actions are not completed within the specified time frame;
 - f) there is an unresolved serious deficiency;

- g) the obligation to pay for RS services has not been fulfilled.

10.7 Updating content of Declaration of Maritime Labour Compliance - Part I

- 1) As required, RS updates DMLC - Part I. Updating is carried out by developing a new version of the document. Each version is assigned a number consisting of a month and a year. The number is placed in the right footer.
- 2) Changes to the previously developed DMLC - Part I is performed in the case of:
 - a) receiving proposals from the executive authorities responsible for the implementation of the MLC requirements, in accordance with the Resolution of the Government of the Russian Federation of November 6, 2013 N 996 "On measures to ensure the fulfillment of the obligations of the Russian Federation arising from the 2006 Maritime Labour Convention";
 - b) upon entry into force or cancellation of regulations that have a significant impact on the level of compliance with the requirements of the MLC, 2006. RS independently decides on changes.
 - c) Mandatory replacement on board ships with new versions of DMLC - Part I is carried out in accordance with the CA instructions.

11. Monitoring, measurement, review and assessment

- 1) To measure and assess the effectiveness of F4.6 fundamental process the following indicators are established specified in Table 13.1. MLC Department shall submit consolidated results to Quality Department during the terms specified in the Instruction for RS Quality Management System Review.
- 2) Risk management related to the process for survey of ships in service are subject to annual risk reassessment, including the risk register revision and determining the risk levels as well as developing and implementing measures to reduce the unacceptable risk levels according to ND No. 2-060102002-E - Instruction for RS Quality Management System Review.
- 3) The indicators specified in Table 13.1 are also used for the procedure monitoring during one year. Monitoring shall be carried out by inspectors of Department 332.

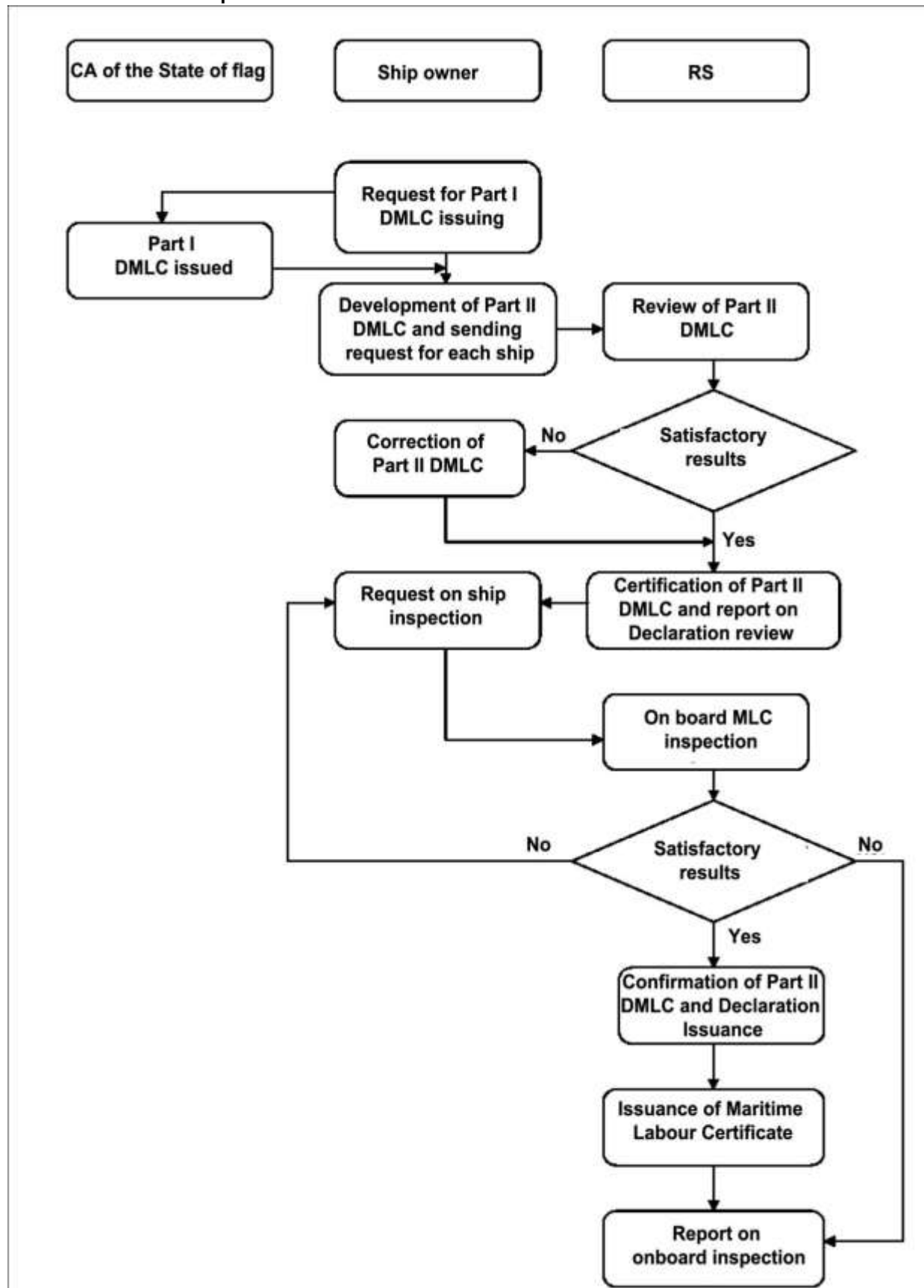
Table 13.1

Code	Process name	Process measurement performance, definitions	Desired trend	Responsible for data accumulation	Records of data in the RS Branch Offices 100, 200 are required	The process as applied to the RHO Locations/ RS Branch Offices
F4.6	On-board MLC Inspection	Q_{cert} . DUE TO THE ERRORS MADE / Q_{cert} Q CERT issued by the RHO Locations/ RS Branch Offices to the total number of certificates issued by the RHO Locations/ RS Branch Offices.	↓	332	Yes	100, 200, 332
		Q_{NC} / Q_{REPORT} Qty of report of the RHO Location/RS Branch Office forwarded to the RHO with errors in the wording of nonconformities (observations) to the total number of reports in the RHO Locations/RS Branch Offices	↓	332	Yes	100, 200, 332
		Q_{ND} / Q_{REPORT} Qty of report of the RHO Location/RS Branch Office forwarded to the RHO with nonconformities to ND (the RHO Authorization) to the total number of reports in the RHO Locations/RS Branch Offices	↓	332	Yes	100, 200, 332
		Q_{RET} / Q_{REPORT} Qty of returned reports to the RHO Location/RS Branch Offices after the RHO audit to the total number of reports in the RHO Locations/RS Branch Offices	↓	332	Yes	100, 200, 332

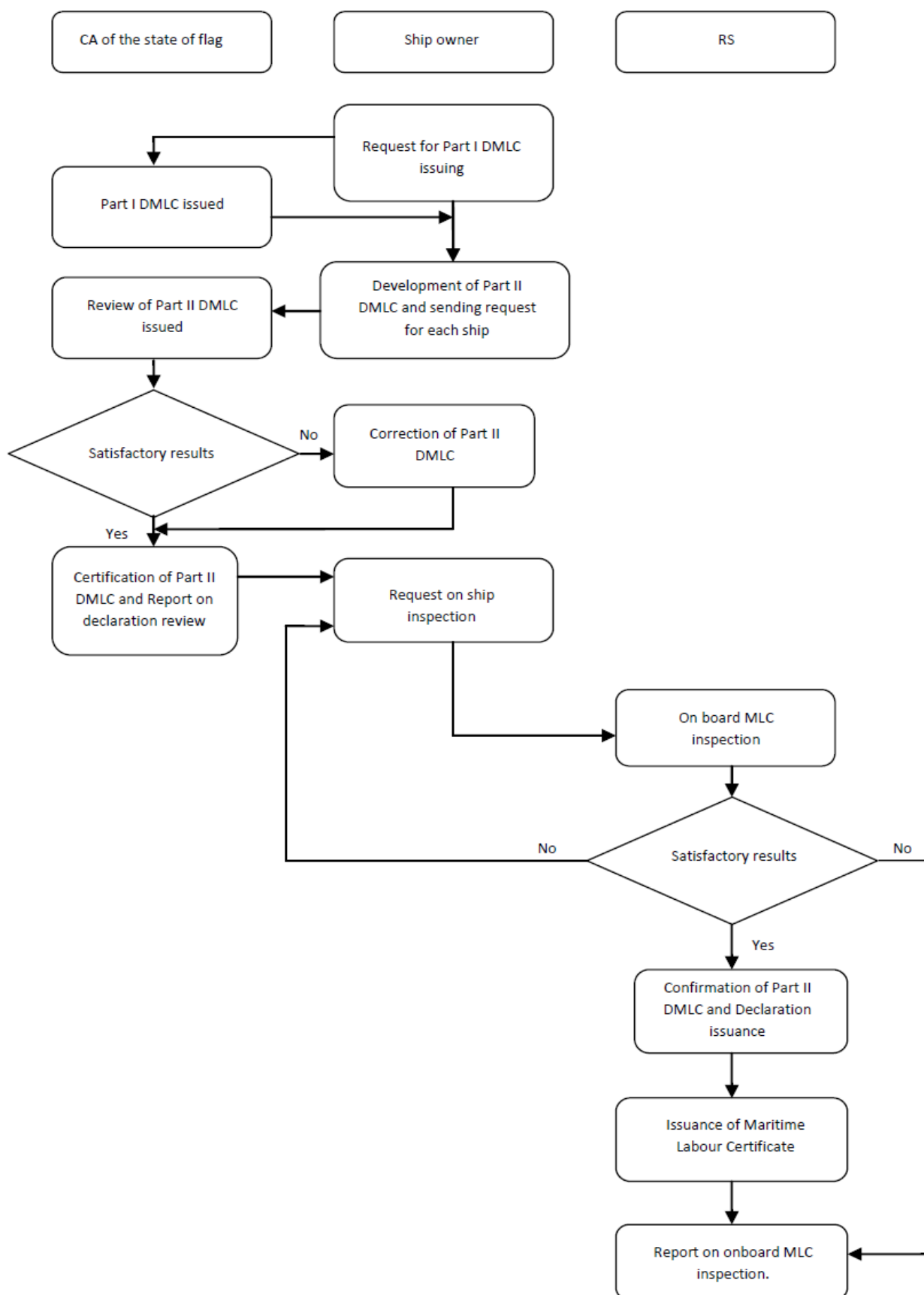
		Q_{TERM} / Q_{REPORT} Qty of reports of the RHO Location/RS Branch Office forwarded to the RHO with breaches of term to the total number of reports in the RHO Locations/RS Branch Offices	↓	332	Yes	100, 200, 332
		Q_{CAP} / Q_{REPORT} Qty of CAPs forwarded to RHO and outstanding to the total number of reports of the RS Branch Office/RHO Location.	↓	332	Yes	332

Appendix A

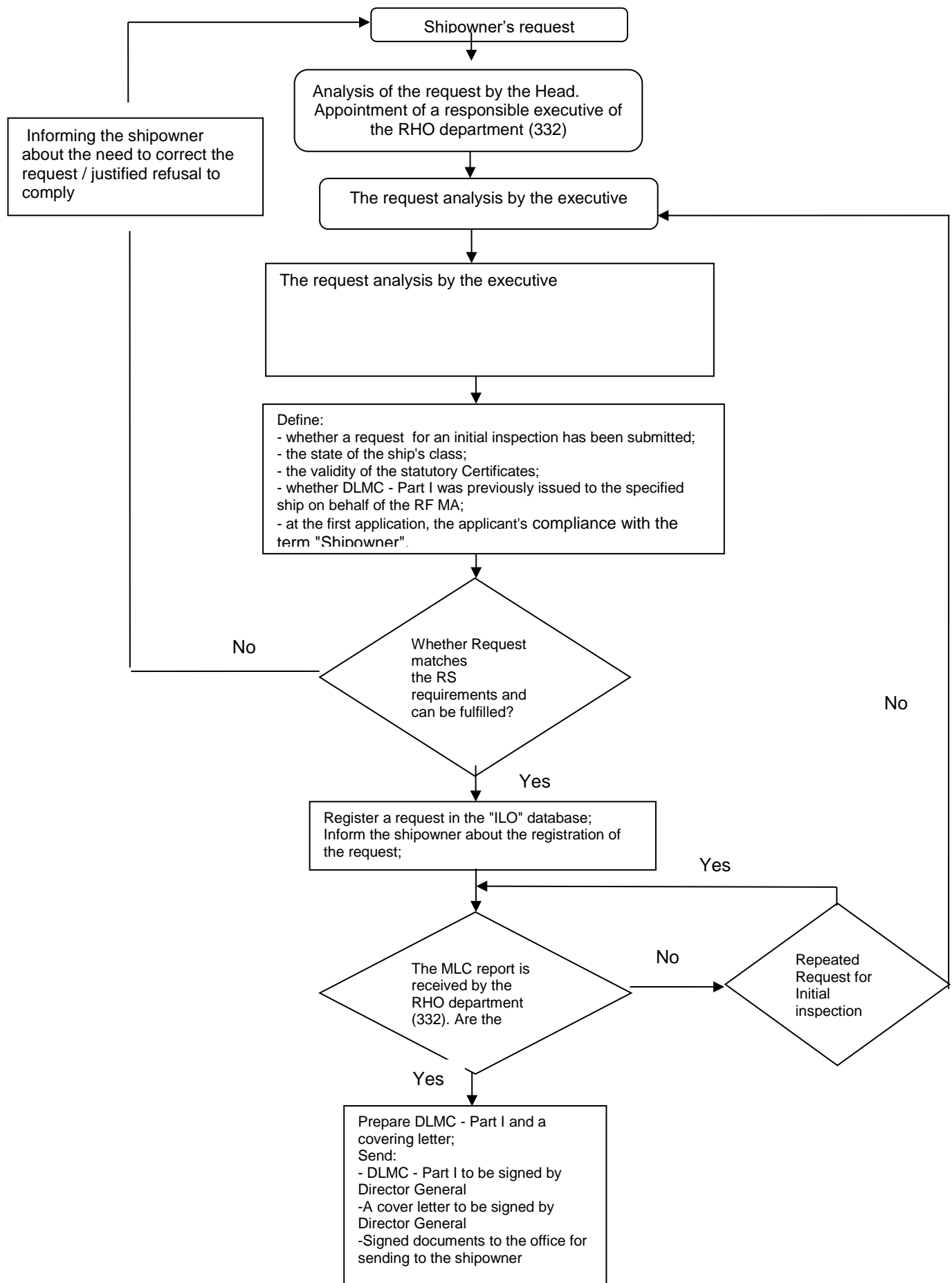
1. The Flow chart of Algorithm for RS and the shipowner and CA of the State of the flag cooperation in case of available request on Part II of the Declaration review



2. The Flow chart of Algorithm for RS and the shipowner and CA of the State of the flag cooperation in case of unavailable request on Part II of the Declaration review

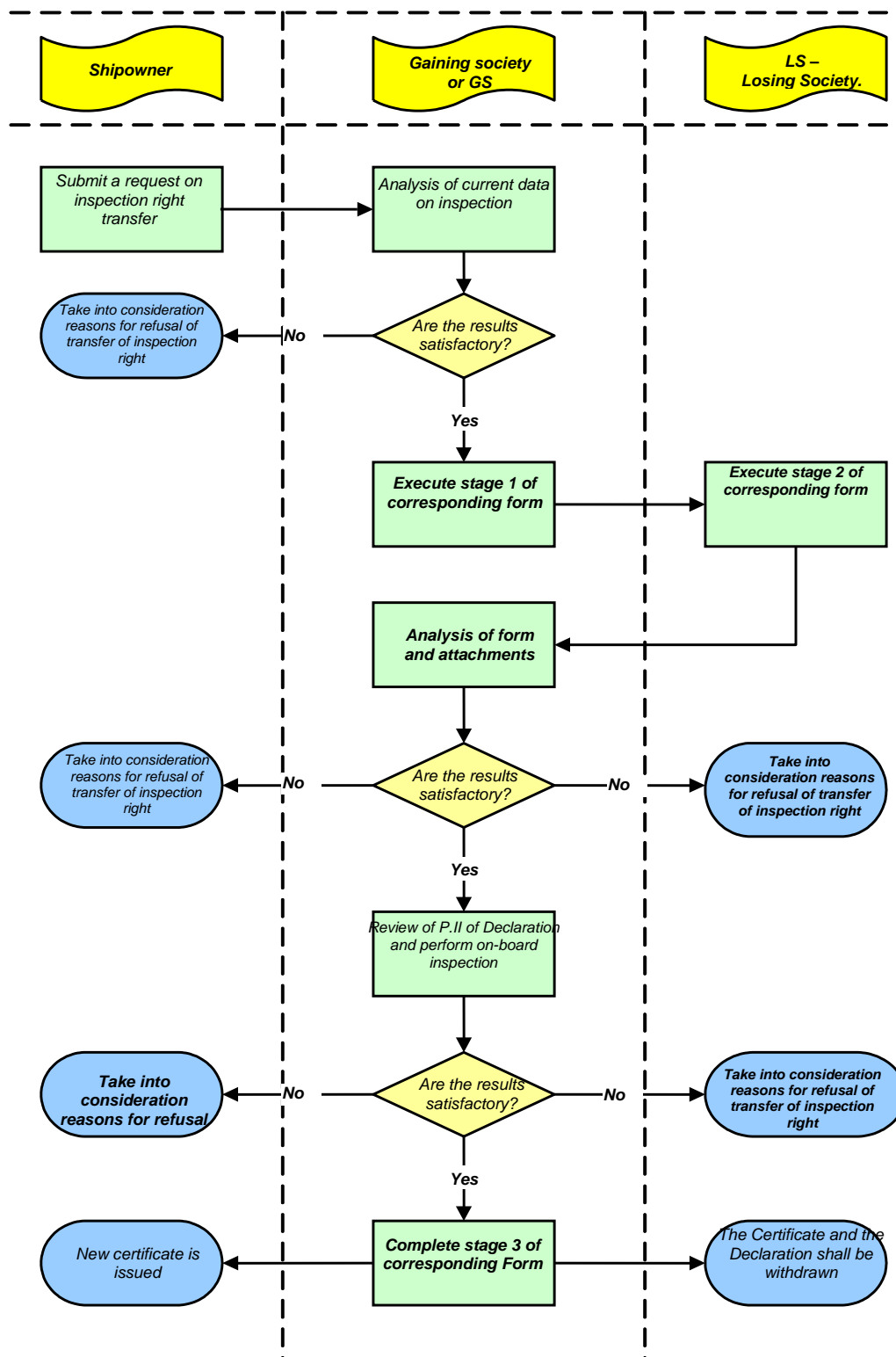


3. The Flow chart of issue Algorithm of DLMC -Part I



Annex B

Graphical scheme of transfer of right for on-board MLC inspection



Appendix C

	Scenario	Condition	Required action	Part II of DMLC	Scope of inspection and certification
1	Change of ship name	Carried out by the inspector, auditor or expert	Inspection on-board ¹	Make amendments to Part II of DMLC specifying new ship's name where applicable.	1. Verify correct ship's name on all Certificates and Documents. 2. Rectify/issue a new Maritime Labour Certificate (MLC certificate) with a new ship's name where applicable. Remark: The Maritime Labour Certificate shall be rectified by the Classification Society that has issued a certificate, or under a special agreement. New Maritime Labour Certificate shall have the identical expiry date as the current MLC certificate.
2	Change of flag	Carried out by an inspector/expert	Inspection on-board	---	1. Check the availability Part I of MLC Declaration on board or request for the issuance Part I of MLC Declaration to the administration. 2. Initial inspection compliant to Appendix A5.1.3.7 to MLC, 2006. 3. Issue Interim Maritime Labour Certificate.
		1. Part II of DMLC has already been reviewed for the new flag 2. Carried out by an inspector/expert.	Additional inspection on-board	---	1. Check compliance with the requirements of Part II of the Declaration and MLC, 2006. 2. Reapprove new Part II of the Declaration and issue new of the identical expiry date as the current MLC.
3	Change of ship type regarding IMO	1. Carried out by an inspector/expert. 2. Essential changes to the living accommodation or Part II of the Declaration.	Initial inspection on-board	Verify changes in Part II of DMLC, if any, submitted for approval.	1. Initial inspection compliant to Appendix A5.1.3.7 to MLC, 2006. 2. Issue Interim MLC with new ship type.
4	Transfer of a ship from organization not holding a QSCS certificate.	Carried out by an inspector/expert	Initial inspection on-board	Review and approve Part II of the Declaration	1. Inspection on all MLC, 2006 provisions. 2. Issue MLC.

RUSSIAN MARITIME REGISTER OF SHIPPING

Guidelines on on-board MLC inspection

Issue: 2019

	Scenario	Condition	Required action	Part II of DMLC	Scope of inspection and certification
5	The ship is not operated from 3 to 6 months ²	Carried out by an inspector/expert	Additional audit if required by the flag State		Approve MLC, depending on the circumstances.
6	The ship is not operated for over 6 months ²	Carried out by an inspector/expert	Additional inspection on-board		<ol style="list-style-type: none"> 1. Approve the current compliance with requirements of Parts I and II of MLC. 2. Approve/issue new MLC, depending on the circumstances.
7	Intermediate inspection upon completion of the specified inspection period	Carried out by an inspector/expert	Intermediate inspection on-board		<ol style="list-style-type: none"> 1. In case of renewal: approve MLC with inscription (renewal of validity within the scope of initial inspection). In case of issuance of new MLC: Maritime Labour Certificate shall have the identical expiry date as the previous certificate. 2. Issue MLC with deficiency issued unless simultaneous audit of the safety management system is carried out. 3. Issue the report compliant to IACS PR 17 unless simultaneous audit of the safety management system is carried out.
8	Change of shipowner's name, address and other changes, attendance is not required.	---	Attendance is not required on board.	<ol style="list-style-type: none"> 1. The Company shall submit Part II of the Declaration as amended. 2. Verify changes in Part II of DMLC as amended. 	Issue new MLC with the identical expiry date as the previous MLC.

Note. Above scenarios may be subject to flag State requirements and shall only be applied in the absence of any instructions from the Administration.

¹ The on-board MLC inspection may be carried out by the inspector, whereas the new Certificate shall be issued on the basis of documentary endorsement of the ship's name changed.

² the inspection does not refer to ships for which the seasonal lay-up is routine.