

**MCI Circular 255/2021** *(This circular has been revoked and is superseded by Circular 271)*

**To:** ISM Managers, MLC Shipowners, Deputy Registrars, Owners and all vessels.

**Subject:** Lessons Learnt - P&I policy details

**Date:** 15th December 2021

**Reference :** Maritime Labour Convention - Compliance of Protection & Indemnity policies

This information is published to inform all Cook Islands Vessels and Owners of the general circumstances of a recent port state control in Paris MoU and to draw out the lessons learnt.

**Summary of Events:**

In October 2021, during a Port State Control in the Paris MoU onboard a Cook Islands Vessel, following deficiencies were found:

1. Certificate & Documentation - Documents

01336 - Certificate or documentary evidence of financial security for repatriation  
Not as required

2. Certificate & Documentation - Documents

01337 - Certificate or documentary evidence of financial security relating to shipowners liability  
Not as required

**Details of the Deficiencies**

1. The certificate of insurance present on board has been issued to an entity (registered owner) other than the shipowner.
2. The certificate of insurance present on board has been issued to an entity (registered owner) other than the shipowner.

**Analysis of the Deficiencies**

Highlighted remarks are identified by codes 01336 and 01337 (ref. to PSC RoI) and are relevant to Insurance Certificates requested by MLC Convention at Title2/MLC14 Amd/Standard A2.5.2 and Title4/MLC14 and Standard A4.2.1.

According to the MLC itself, both insurance covers have to be issued to the Shipowner (as clearly stated in rel. Rules).

In accordance with the MLC, the Shipowner is that entity who the MLC Certificate has been issued to.

In the specific case, according to the MLC Certificates present onboard, the Shipowner indicated in the Cook Islands Form 88 "Declaration of Shipowner Assuming MLC Responsibilities" was found different from the Shipowner indicated in the Insurance Certificates.

**Result**

The P&I Insurance policy was found not in compliance with the MLC requirements.

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**Action Taken:**

The relevant P&I Policy was amended by the insurers to reflect exactly the name of the MLC Shipowner, as defined in the MLC, 2006 Convention.

*“shipowner means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with this Convention, regardless of whether any other organization or persons fulfil certain of the duties or responsibilities on behalf of the shipowner [Article II, 1 (j)]”*

And as declared in:

- MLC Maritime Cook Islands Form 88 “Declaration of Shipowner assuming MLC Responsibilities”(Please ref. to MCI Circular MLC 231/ 2020)
- MLC Certificate of the vessel

**Conclusion and Fleet recommendation:**

We would like to urge all Vessels’s Masters, Managers and Owners to carefully check the P&I Policies of the vessels in order to guarantee that the P&I policy details are in compliance with the MLC requirements.

If you have any comments or if you need assistance, don’t hesitate to contact the Marine Operation and Compliance Department at [technical@maritimecookislands.com](mailto:technical@maritimecookislands.com)