

Circular 276/ 2023

To: MLC ship-owners, Deputy Registrar, Owners, ISM Managers, and other interested parties.

Subject: Maritime Labour Convention Implementation

Date: 20th March 2023

This circular updates and revokes MCI Circular 231/2022

Summary

Maritime Cook Islands (MCI) must verify, through an effective and coordinated system of regular inspections, monitoring and other control measures, that ships comply with the requirements of the Maritime Labour Convention as implemented in the Cook Islands Maritime Rules.

MLC applies to all seafarers on board all commercial vessels whether on international or domestic voyages, publicly or privately owned, except the following:

- Ships that navigate exclusively in inland waters, or waters within or adjacent to sheltered waters or areas where port regulations apply;
- Ships engaged in fishing or similar pursuits;
- Traditional builds such as dhows and junks;
- Warships and naval auxiliaries.

MCI requires that all vessels to which MLC applies shall be fully inspected by Maritime Cook Islands or by an approved Recognised Organisation, to verify compliance with MLC requirements.

Inspections and Certification

1. The following types of vessels should be following the process detailed below:

1. **Commercial and Dual registered yachts¹ equal or over 500 GT;**
2. **Passenger vessels regardless of their GT;**
3. **All other vessels equal or over 200 GT, ordinarily engaged in commercial activities.**

Interim inspection onboard:

At the time of registration, to verify compliance with requirements of MLC Standard A5.1.3, paragraph 7 and any additional Flag State requirements.

Initial inspection onboard:

To be carried out prior to the expiry date of the interim certificate in order to verify that all matters detailed in MLC Appendix A5-I comply with MLC requirements and any additional Flag State Requirements. No further interim certificate may be issued following the initial six months.

Initial inspection includes a verification of compliance with the DMLC Part II (completed by the MLC Ship Owner) with the requirements specified in the DMLC Part I.

The verification is made of:

- a documental review
- an onboard inspection before certification to ensure that measures provided in the DMLC II are being properly implemented onboard.

Intermediate inspection onboard:

To be carried out between the second and the third anniversary date of MLC certificate to verify compliance (of all matters detailed in MLC Appendix A5-I) with the MLC requirements.

Renewal inspection:

To be carried out during a three-month window prior to the expiry date of the Maritime Labour Convention Statement of Compliance to verify compliance (of all matters detailed in MLC Appendix A5- I) with the MLC requirements.

All inspections for vessels listed under paragraph 1 above must be carried out either by an MCI Head Office Inspector or by an approved Recognised Organisation. Any possible exception must be authorized in advance by the Marine Operation and Compliance Department (MO&C).

Certification:

The following documents will be issued to compliant vessels by either MCI Head Office or by an approved Recognised Organisation and shall be kept onboard at all times:

- Declaration of Maritime Labour Convention Part I;
- Declaration of Maritime Labour Convention Part II;
- Maritime Labour Convention Statement of Compliance.

2. The following types of vessels should be following the process detailed below:

1. **Commercial and Dual registered yachts¹ under 500GT**
2. **All other vessels under 200 GT, ordinarily engaged in commercial activities.**

Initial inspection onboard:

To be carried out at the time of registration, which consists of an onboard visit to verify that all matters detailed in MLC Appendix A5-I comply with MLC requirements.

Intermediate inspection onboard:

To be carried out between the twenty-fourth and the thirty-sixth month from the initial inspection date, to verify compliance (of all matters detailed in MLC Appendix A5-I) with the MLC requirements.

Renewal inspection onboard:

To be carried out between the fifty-seventh and sixtieth month from the initial inspection date, to verify compliance (of all matters detailed in MLC Appendix A5-I) with the MLC requirements.

Certification:

Upon satisfactory completion of each inspection, an inspection report will be issued to the vessel by either MCI or by an approved Recognised Organisation and it shall be kept onboard at all times. Each inspection report should be kept onboard for the entire MLC Cycle (5 years)

Owners and managers of such ships may request voluntary certification. This will simplify matters involving Port State Control inspections.

Declaration of MLC Shipowner

Every vessel to which MLC and the present circular apply, irrespective of type and size, shall submit to MCI a completed declaration of the individual or entity that assumes the responsibility of the 'shipowner' under the MLC.

Attached below is [Form 88 Declaration of Ship Owner Assuming MLC Responsibilities](#)

MLC shipowners who have not done so already, are requested to complete the form and return it to mlc@maritimecookislands.com & cc_rachele@maritimecookislands.com

Note ¹: **Dual registered vessels** shall maintain full compliance onboard at all times, even during times of private operation. Failure to ensure compliance during private operations will result in an additional MLC audit at the cost of the owner and in some cases may result in the revocation of commercial certificates

Should you require further information or assistance regarding the information contained in this circular, please contact the MCI Marine Operation & Compliance Department at mlc@maritimecookislands.com



COOK ISLANDS
DECLARATION OF SHIPOWNER ASSUMING MLC
RESPONSIBILITIES

Ship
Registration
FORM 88
v.1

PART 1 – GENERAL

1.1	Name of Vessel	
1.2	Official Number	
1.3	IMO Number	
1.4	Gross Tonnage	
1.5	Vessel Type	
1.6	Keel Laid Date	
1.7	Shipowner* <i>(name and address)</i>	

The shipowner indicated in 1.7 has assumed the responsibility for the operation of the following ship from the **Registered Owner**** and on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on **Shipowners** in accordance with the MLC, regardless of whether any other organizations or persons fulfil certain parts of the duties or responsibilities on behalf of the Shipowner

Signed on behalf of the **Registered Owner**

(To be completed only when the Shipowner is not the Registered Owner)

Signature _____

(Date and Place)

Print full name and position

Signed on behalf of the **Shipowner**

Signature _____

(Date and Place)

Print full name and position

**shipowner means the owner of the ship or another organisation 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 the Convention, regardless of whether any other organisation or persons fulfil certain of the duties or responsibilities on behalf of the shipowner. For vessels to which the ISM Code applies it should be the "Company" in accordance with paragraph 1.1.2 of the ISM Code*

***Registered Owner means the owner as indicated in the Certificate of Registry and the Continuous Synopsis Record (if any)*

