

Circular 293 / 2024

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

Subject: Declaration of Maritime Labour Convention Part I Electronic Certificate

Important Notice: Revocation of MCI Circular 291/2024

Attachment: Electronic Sample Certificate of the Declaration of Maritime Labour Convention Part I

Date: 22nd May 2024

Summary

The Cook Islands have recently amended their Maritime MLC Rules as part of the process following the accession to the MLC convention. Consequently, the Declaration of Maritime Labour Convention Part I (DMLC I) has been amended to reflect the changes to the Maritime MLC Rules.

Maritime Cook Islands (MCI) must verify, through an effective system of **Declaration of Maritime Labour Convention Part II (DMLC II) inspections** and other control measures, that ships comply with the requirements of the **new DMLC I** as implemented in the amended Cook Islands Maritime Rules.

For all vessels subject to Inspection and Certification*, **the new DMLC I will be issued by the Flag Administration within 3 months before** the first mandatory MLC inspection (Initial, Intermediate, Renewal) and sent to the Owners and, where applicable, to the Recognized organization in charge of the MLC Certification, along with the DMLC II, editable, to be updated and amended.

MLC Shipowners are required to submit to the Flag Administration and, where applicable, to the relevant Recognized organization the **DMLC II, duly filled, within 30 days before the first mandatory MLC Inspection.**

The new DMLC II, duly filled, will be checked through a dedicated checklist by the Flag Administration, or through the RO-specific procedures by the Recognized organization in charge of the vessel certification, during the first mandatory MLC inspection.

Notwithstanding the procedure detailed above, owners and managers may request to be provided with the new DMLC I earlier than 3 months before the first mandatory MLC inspection. In such cases, the new DMLC I and editable DMLC II will be sent upon receipt of their request.

Owners and managers may also request that the new DMLC II be checked earlier than the first mandatory MLC inspection through an additional MLC inspection.

The Flag Administration reserves the right to issue the new DMLC Part I and to request the submission of the amended DMLC Part II at an earlier stage in special circumstances (e.g. PSC Concentrated Campaign focused on MLC).

Vessels to which MLC certification does not apply will be provided with a copy of the DMLC Part I to serve as a guideline for the proper implementation of the MLC national standards onboard.

** Inspection and Certification applied to the following types of vessels:*

- a. Commercial and Dual-registered yachts equal to or over 500 GT;
- b. Passenger vessels regardless of their GT;
- c. All other vessels equal or over 200 GT, ordinarily engaged in commercial activities.
- d. All vessels under voluntary certification



COOK ISLANDS SHIPS REGISTRY



Declaration of Maritime Labour Compliance I-v6

(this Declaration must be attached to the Maritime Labour Certificate)

Issued under the provisions of the Cook Islands Ship Registration Act 2007 and in accordance with Cook Islands Maritime (MLC) Rule giving effect to the Maritime Labour Convention 2006

Under the authority of the Government of COOK ISLANDS By THE REGISTRAR OF SHIPS

Certificate Number	89-C-DMLCI-v6-134
--------------------	-------------------

With respect to the provisions of the Maritime Labour Convention, 2006, the following referenced ship:

Ship Particulars

Name of Ship	SAMPLE CERTIFICATE
Gross Tonnage	10000
IMO Number	1234560

is maintained in accordance with Standard A5.1.3 of the Convention.
The undersigned declares, on behalf of the abovementioned competent authority, that:

- a) The provisions of the Maritime Labour Convention are fully embodied in the national requirements referred to below;
- b) These national requirements are contained in the national provisions referenced below; explanations concerning the content of those provisions are provided where necessary;
- c) The details of any substantial equivalencies under Article VI, paragraphs 3 and 4, are provided under the corresponding national requirement listed below;
- d) Any exemptions granted by the competent authority in accordance with Title 3 are clearly indicated in the section provided for this purpose below; and
- e) Any ship-type specific requirements under national legislation are also referenced under the requirements concerned.

SECTION 1) Minimum age. Regulation 1.1

Cook Islands Maritime Legislation:

No person below the minimum age shall be employed or engaged or work on a ship. The minimum age for Maritime Cook Islands Administration is 18 years.
Maritime MLC Rule 2023 Title 1.1.1

SECTION 2) Medical Certification. MLC Regulation 1.2

Cook Islands Maritime Legislation:

Seafarers are not allowed to work on a ship unless they are certified as medically fit to perform their duties. The certificate(s) of the seafarer must be valid when he/she joins the ship. A Medical certificate issued in accordance with the requirements of STCW 1978, as amended will be accepted.
Maritime MLC Rule 2023 Title 1.2.1 and 1.2.2

The certificate for seafarers working on ships ordinarily engaged on international voyages must as a minimum be provided in English.
Maritime MLC Rule 2023 Title 1.2.10

Medical certificate must be issued by a duly qualified medical practitioner. The Administration recognise and approve a person in another State and a person in the Cook Islands, as a medical practitioner, if the Administration is satisfied that the person:

- a) In the case of another State, is recognised and approved by the State to carry out seafarer examinations
- b) In the case of the Cook Islands, is registered practitioner under the Medical and Dental Practices Act 1976 and authorized to practise as medical practitioner
- c) Is professionally independent and will not have a conflict of interest in relation to the seafarer, the seafarer's employer or the seafarers'



COOK ISLANDS SHIPS REGISTRY



SECTION 2) Medical Certification. MLC Regulation 1.2

representative

d) Has

1. Knowledge of the standards; and
2. Experience in applying the standards to routine and emergency duties which the seafarer will perform

e) Has facilities or access to facilities for the conduct of examinations to enable all requirements of the medical fitness examination to be met and conducted with respect for confidentiality, modesty and cleanliness.

Maritime MLC Rule 2023 Title 1.2.3

A register of medical practitioner is maintained by the Administration and made available to other Parties, companies and seafarers.

Maritime MLC Rule 2023 Title 1.2.3(i)

A medical certificate solely concerning eyesight shall be issued by a person recognized by the competent authority at the place of examination, as qualified to issue such a certificate. Cook Islands does not require a separate colour vision certificate.

Medical certificates shall state in particular that the seafarer concerned:

- has satisfactory hearing and sight, as well as colour vision where the nature of the work to be performed requires so;
- is medically fit to perform the duties he has to carry out; and
- is not suffering from any medical condition that is likely to be aggravated by service at sea or to render the seafarer unfit for such service or to endanger the health of other persons on board.

Maritime MLC Rule 2023 Title 1.2.2 and Title 1.2.6

Period of validity of the certificate:

- two-year maximum for medical certificates;
- six-year maximum for a separate colour vision certificate, if existing.

If the period of validity of a certificate expires in the course of a voyage, the certificate shall remain in force until the next port of call where the seafarer can obtain a new medical certificate (provided that the period will not exceed three months);

in urgent cases the competent authority may permit a seafarer to work without a valid medical certificate until the next port of call where the seafarer can obtain a medical certificate from a qualified medical practitioner, provided that:

- (a) the period of such permission does not exceed three months; and
- (b) the seafarer concerned is in possession of an expired medical certificate of recent date.

Maritime MLC Rule 2023 Title 1.2.5 and 1.2.7 and 1.2.8

SECTION 3) Qualifications of Seafarers. MLC Regulation 1.3

Cook Islands Maritime Legislation:

Seafarers must be trained and/or certified as competent or otherwise qualified to perform their duties on board ships. Seafarers must have successfully completed training for personal safety on board ship. All officers and ratings shall comply with the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978(STCW), as amended and the STCW Code.

Maritime MLC Rule 2023 Title 1.3

SECTION 4) Seafarers' employment agreements. Regulation 2.1

Cook Islands Maritime Legislation:

Before starting work, a Seafarers' Employment Agreement ("SEA") must be signed by both the seafarer and the shipowner or his representative. Where they are not employees, there shall be evidence of contractual or similar arrangements providing them with decent working and living conditions on board ship.

Both the shipowner and the seafarer shall have a signed original of the SEA. In addition, the SEA shall also incorporate or indicate any applicable collective bargaining agreement ("CBA"). Proper arrangements shall be made for allowing the seafarer to examine its employment agreement before it is signed and to seek advice on his duties and rights. These arrangements shall be clearly mentioned in the SEA.

Maritime MLC Rule 2023 Title 2.1.1 and 2.1.3 and 2.1.5 and 2.1.6

Seafarer Employment Agreement signature:

When the seafarer's employer is not the shipowner: employment-related responsibilities may be shared between the shipowner and the seafarer's employer or the recruitment agency, but the shipowner must appear on the contract.

Maritime MLC Rule 2023 Title 2.1.4

When the seafarer has been recruited by a recruitment agency, unless the employer or the agency is a representative of the shipowner, the shipowner must sign the contract.

Maritime MLC Rule 2023 Title 2.1.5



COOK ISLANDS SHIPS REGISTRY



SECTION 4) Seafarers' employment agreements. Regulation 2.1

The Seafarer Employment Agreement shall in any case contain all particulars detailed in MLC Title 2, Regulation 2.1, Standard A2.1 Paragraph 4 (from (a) to (k) included)
Maritime MLC Rule 2023 Title 2.1.7

Seafarers shall be given a document containing a record of their employment on board the ship. This document shall not contain any statement as to the quality of the seafarers' work or as to their wages. The record should be provided to the seafarer and should be filled only upon request of the seafarer, and in such case should be endorsed by the master (or a representative) and by the seafarer.
Maritime MLC Rule 2023 Title 2.1.13

Shipowner shall ensure that clear information as to the conditions of employment of all seafarers can be easily obtained on board by all seafarers including the master, and that those information including the law, a copy of the SEA and any applicable CBA (with the relevant provisions in English) is also accessible for review by the Cook Islands Administration, authorized Recognized Organizations ("RO"), inspectors and authorized officers in the ports to be visited. Electronic copies of these documents are accepted.
Maritime MLC Rule 2023 Title 2.1.6

In cases where the shipowner or the seafarer gives notice of termination, the SEA concluded for an indefinite period shall end after a minimum notice period of:

- one week, if the seafarer has had a continuous period of service of less one year with the same shipowner;
- two weeks, if the SEA has a duration between three months and three years with the same shipowner;
- six weeks, if the SEA has a duration exceeding three years with the same shipowner.

Maritime MLC Rule 2023 Title 2.1.11

Minimum notice, repatriation and annual leave calculation should be considered applicable also to any trial period, that in any case cannot exceed three months for an indefinite contract and one month for a definite contract. Voyage contract cannot be subject to a trial period.
Maritime MLC Rule 2023 Title 2.1.4

In general:

Notice for termination of the SEA without penalty may not be given for a shorter period than the minimum period fixed in the MLC, 2006 (7 days).

Maritime MLC Rule 2023 Title 2.1.11 (h)

For all types of contracts (limited term, unlimited term, per voyage): certain situations or events may lead to the termination of a contract without notice and without entitlement to a severance payment. In particular:

- Serious misconduct as detailed in the National Law;
- The seafarers' inability for the proposed job noted during the initial medical examination;
- The ship being en route to an armed conflict area (as defined by the SEA or the CBA), to which the seafarer refuses to travel.

Maritime MLC Rule 2023 Title 2.1.13

Circumstances leading to the termination of the SEA with a shorter notice period or immediately, and without penalty are only allowed for compassionate or other urgent reasons.

Maritime MLC Rule 2023 Title 2.1.12

SECTION 5) Use of any licensed or certified or regulated private recruitment and placement service. Regulation 1.4

Cook Islands Maritime Legislation:

Shipowners are only allowed to use seafarers' recruitment and placement services that are:

- established in a country which has ratified the Convention, and operating only in conformity with a standardized system or licensing or certification or other form of regulation, issued by the competent authority in that country.
- from States not party to MLC, 2006 whose conformity to the MLC can be fully demonstrated.

The services must be in line with the standards set out in A1.4.

This has to be verified and, if necessary, documented by the shipowner (verifications and certifications can be done by RO).

Maritime MLC Rule 2023 Title 4.4.7

Private services for the recruitment and/or placement of seafarers shall not charge seafarers any fee for recruitment or placement or for providing employment to them, other than the cost of the seafarer obtaining a national statutory medical certificate, the national seafarer's book and a passport.

The cost of obtaining any visas shall be borne by the shipowner.

Maritime MLC Rule 2023 Title 4.4.9

SECTION 6) Hours of work or rest. Regulation 2.3

Cook Islands Maritime Legislation:

The limits on hours of work or rest shall be as follows:

Minimum hours of rest shall not be less than:



COOK ISLANDS SHIPS REGISTRY



SECTION 6) Hours of work or rest. Regulation 2.3

- (i) ten hours in any 24-hour period; and
- (ii) 77 hours in any seven-day period.

Hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours. Any third period of rest cannot be counted as rest in the total rest hours.

Maritime MLC Rule 2023 Title 2.3.1 and 2.3.2 and 2.3.3 and 2.3.5

For seafarers who are assigned tasks as officer of watch or as a rating being part of a watch as well as those assigned certain tasks related to safety, operations, prevention of pollution and security paragraph 2 of Section A-VIII/1 of the STCW Code shall be complied with. A SEA or CBA may provide for exceptions to the limits set for rest hours according to the procedures and requirements laid down in paragraph 9 of Section A-VIII/1 of the STCW Code. In this case, the SEA or CBA must provide for compensatory measures in the form of more frequent or longer rest hours and leave and, where appropriate, a minimum rest period at night-time in order to ensure that seafarers are given an adequate period of rest.

The SEA or CBA might specify the time frame of such compensations.

Maritime MLC Rule 2023 Title 2.3.5

Shipowners shall ensure that musters, firefighting and lifeboat drills, security and oil-spill drills, safety & security exercises are conducted in a manner that minimizes the disturbance of rest periods, and do not induce fatigue. Shipowners shall ensure that adequate compensatory rest periods are provided whenever the normal rest period is disturbed by callouts to work, such as when a machinery space is unattended, during the usual hours of rest. Unless otherwise provided in the SEA or the CBA, compensatory rest must be equal in time to the extra working period and shall be granted, as soon as practicable within a 7days limit.

Maritime MLC Rule 2023 Title 2.3.6

Cook Islands Administration require the posting, in an easily accessible place, of a table with shipboard arrangements, which should contain as minimum the information required at Para10 of MLC Regulation 2.3 Standard A2.3. The table shall be in the working language or languages of the ship and in English.

Maritime MLC Rule 2023 Title 2.3.7

Seafarer's daily hours of work/rest must be recorded in a format compliant with the Cook Islands relevant Circular and in the working language(s) of the ship and in any case, in English and need to be endorsed by both the seafarer (who receives a copy) and the master (or authorized person).

The table of working and rest hours should be daily filled and monthly printed or electronically printed and should be made available for inspection at any time.

Records must be taken and maintained or a minimum period of 3 years (electronic signed copies of these documents are accepted).

Maritime MLC Rule 2023 Title 2.3.12

The master shall require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea. Accordingly, the master may suspend the schedule of hours of work or hours of rest and require a seafarer to perform any hours of work necessary until the normal situation has been restored. As soon as practicable after the normal situation has been restored, the master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.

Maritime MLC Rule 2023 Title 2.3.14

SECTION 7) Manning levels for the ship. Regulation 2.7

Cook Islands Maritime Legislation:

A sufficient number of seafarers must be placed on board by the shipowner to guarantee that the ship is operated safely, efficiently and with due regard to safety and security under all conditions. In extraordinary circumstances, duly authorized by the Cook Islands Administration, shall the ship's complement be inferior to the requirements set in the Minimum Safe Manning Document.

Exception: No Safe manning document is issued to non-self-propelled units.

Maritime MLC Rule 2023 Title 2.7.7.1

SECTION 8) Accommodation. Regulation 3.1

Cook Islands Maritime Legislation:

Constructions Standards

Ships constructed on or after the 18 December 2020 shall comply with the requirements of the MLC, 2006 as set out in regulation 3.1, standard A3.1 and guidelines B3.1 covering the size of rooms and other accommodation spaces; heating and ventilation; noise and vibration and other ambient factors; sanitary facilities; lighting and hospital accommodation; laundry facilities and mess rooms.

Exemptions may be provided to certain ships in accordance with the provisions of the MLC.

Maritime MLC Rule 2023 Title 3.1.2



COOK ISLANDS SHIPS REGISTRY



SECTION 8) Accommodation. Regulation 3.1

For ships constructed before the 18 December 2020, the requirements relating to ship construction and equipment, set out in the Accommodation of Crews Convention (Revised), 1949 (No. 92), and the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133), shall continue to apply to the extent that they were applicable (according to the MLC, a ship shall be deemed to have been constructed on the date when its keel is laid or when it is at a similar stage of construction). Existing Certificates issued according to ILO 92/133 shall be recognised by Cook Islands Flag administration even if the ILO 92/133 have not been ratified.
Maritime MLC Rule 2023 Title 3.1.3

All ships registered with the Cook Islands shall be duly certified. Recognised organisations are duly authorised to issue ILO 92 and ILO 133 Statements of Compliance on behalf of Cook Islands when necessary.
Maritime MLC Rule 2023 Title 3.1.4

Yachts

For vessels registered as "yacht", exemptions may be provided to certain requirements in accordance with the provisions of the applicable National Yacht Code, in the limits provided by the MLC Convention and after consultation with the National Tripartite Committee.

Maritime MLC Rule 2023 Part One 5.4

Master's inspection

Documented inspections, by or under the authority of the master and at intervals not exceeding 7 days, shall be carried out on board with respect to ensuring that seafarer accommodation is clean, decently habitable and maintained in a good state. Inspection results shall be available for review and records must be taken and maintained for a minimum period of 3 years.

Maritime MLC Rule 2023 Title 3.1.6

SECTION 9) On-board recreational facilities. Regulation 3.1

Cook Islands Maritime Legislation:

Shipowners shall provide, at no costs for seafarers, appropriate recreational facilities, amenities and services, as adapted to meet the special needs of seafarers who must live and work on ships. Ships constructed on or after the 18 December 2020 shall comply with the relevant requirements of the MLC 2006.

Maritime MLC Rule 2023 Title 3.1.1

For ships constructed before the 18 December 2020, furnishings for recreational facilities should as a minimum include a bookcase and facilities for reading, writing and, where practicable, games or gym tools. In order to ensure that on-board recreational facilities are clean, decently habitable and maintained in a good state, documented inspections shall be carried out on board by the master or under his authority at intervals not exceeding 7 days.

The inspection results shall be available for review and the records need to be kept on board for a minimum period of 3 years (electronic copies of these documents are accepted).

Maritime MLC Rule 2023 Title 3.1.8

SECTION 10) Food and catering. Regulation 3.2

Cook Islands Maritime Legislation:

Shipowners shall ensure that minimum standards for food and catering are respected as follows:

- food and drinking water supplies of appropriate quality, nutritional value and quantity that adequately covers the requirements of the number of seafarers on board, and takes into account possible differences in cultural and religious backgrounds and the duration and nature of the voyage, shall be available during the voyage;
- the organization and equipment of the catering department shall be such as to permit the provision of adequate, varied and nutritious meals are prepared and served in hygienic conditions to the seafarers;
- all seafarers employed in any capacity as catering staff, or contributing to catering activities should be properly instructed for their positions /tasks.

Maritime MLC Rule 2023 Title 3.2.3

Seafarers on board shall be provided with food free of charge during the period of their engagement.

Maritime MLC Rule 2023 Title 3.2.2

Nobody shall be engaged as ship's cook unless he/she holds a certificate of qualification as ship's cook.

Qualifications of Ship's Cook

1. Ship's Cooks shall:

- (i) Be 18 years of age or more;
- (ii) Hold a valid certificate(s) attesting to the successful completion of training in the following fields:

- a. Practical cookery;
- b. Food and personal hygiene;



COOK ISLANDS SHIPS REGISTRY



SECTION 10) Food and catering. Regulation 3.2

- c. Food storage;
- d. Stock control;

e. Environmental protection catering health and safety

Maritime Cook Islands will recognise certificates attesting to the requirements set out in paragraph (ii) issued by institutions/ Organisations of States that are party to the MLC 2006 or States that are party to the Certification of Ships Cooks Convention;

(iii) In alternative to paragraph (ii), a Ship's Cook shall have

- a. a minimum of 3 months sea time experience (documented) and
- b. attestation from manager / owner of a commercial cookery establishment in which a minimum of 9 months experience in the fields below was gained:

- a. Practical cookery;
 - b. Food and personal hygiene;
 - c. Food storage;
 - d. Stock control;
 - e. Environmental protection catering health and safety
- Maritime MLC Rule 2023 Title 3.2.3 and 3.2.4 and 3.2.5

On ships operating with a complement of less than ten people which, by virtue of the size of the crew or the trading area, may not be required by the Cook Islands Flag Administration to carry a fully qualified cook, anyone processing food in the galley shall be trained or instructed in areas including food and personal hygiene as well as handling and storage of food on board ship.

Maritime MLC Rule 2023 Title 3.2.6

In circumstances of exceptional necessity, the Cook Islands Flag Administration may issue a dispensation permitting a non-fully qualified cook to serve on a specified ship for a specified limited period, until the next convenient port of call or fora period not exceeding one month, provided that the person to whom the dispensation is issued is trained or instructed in areas including food and personal hygiene as well as handling and storage of food on board ship.

Maritime MLC Rule 2023 Title 3.2.7

Documented inspections in the following areas:

- supplies of food and drinking water;
- all spaces and equipment used for the storage and handling of food and drinking water; and
- galley and other equipment for the preparation and service of meals

shall be carried out on board by the master or under his authority, together with a member of the seafarers employed in catering, at intervals not exceeding 7 days. The inspection results shall be available for review and the records need to be kept on board for a minimum period of 3 years.

Maritime MLC Rule 2023 Title 3.2.9

SECTION 11) Health and safety and accident prevention. Regulation 4.3

Cook Islands Maritime Legislation:

Shipowners shall adopt, effectively implement and promote occupational safety and health policies and programs, including risk evaluation as well as training and instruction of seafarers. Risk evaluation is required for on-board occupational safety and health management. Shipowners shall take reasonable precautions to prevent occupational accidents, injuries and diseases on board, including measures to reduce and prevent the risk of exposure to harmful levels of ambient factors and chemicals as well as the risk of injury or disease that may arise from the use of equipment and machinery on board. Occupational health and safety program for the prevention of occupational accidents, injuries and diseases and for continuous improvement in occupational safety and health protection, involving seafarers' representatives and all other persons concerned in their implementation, shall take into account preventive measures, including engineering and design control, substitution of processes and procedures for collective and individual tasks, and the use of personal protective equipment. The implementation of the program shall take into account the ILO code of practice entitled "Accident prevention on board ship at sea and in port", the MSC/MEPC.2/Circ.3 entitled "Guidelines on the basic elements of a shipboard occupational health and safety programme", the IMO Resolution A.884 (21) entitled "Code for the investigation of marine casualties & incidents" or other international standards and guidelines and codes and practice for the following but not limited:

- fire prevention and fire-fighting,
 - structural features of the ship, including means of access and asbestos-related risks;
 - machinery;
 - the effects of extremely low and high temperature of any surfaces with which seafarers may be in contact;
 - anchors, chains and lines;
 - dangerous cargo and ballast;
 - personal protective equipment for seafarers;
 - the effects of ambient factors (other than vibration and noise) in the workplace and in shipboard accommodation, including tobacco smoke;
 - the effects of drugs and alcohol abuse and dependency;
- special safety measures on and below deck and in machinery spaces;
- work in enclosed spaces (including electrical equipment, working at heights/over side);



COOK ISLANDS SHIPS REGISTRY



SECTION 11) Health and safety and accident prevention. Regulation 4.3

- the effects of noise and vibration in the workplace and in shipboard accommodation;
- loading and unloading equipment;
- emergency and accident response;
- HIV/AIDS protection and prevention;
- physical and mental effects of fatigue.

Shipowners shall prepare and keep up to date, a written statement of his general policy with respect to health and safety matters on board and the arrangements for carrying out this policy.
Maritime MLC Rule 2023 Title 4.3

Shipowners shall specify the duties of the master or a person designated by the master, or both, to take specific responsibility for the implementation of and compliance with the ship's occupational safety and health policies and programs.

Shipowner must establish for each ship with five (5) or more seafarers a safety and health committee.
Maritime MLC Rule 2023 Title 4.3.11

Shipowners must establish a reporting procedure for occupational accidents, injuries and diseases. These matters shall be adequately reported, by the shipowner or the master of the ship, to the competent Cook Islands Authority and in accordance with the Cook Islands law and regulations. The report shall also address, as far as possible, corrective actions to rectify unsafe conditions.

Maritime MLC Rule 2023 Title 4.3.12

SECTION 12) On-board medical care. Regulation 4.1

Cook Islands Maritime Legislation:

Every seafarer shall be offered, wherever practical and whenever necessary, the opportunity to visit a doctor or a dentist without delay. Medical and dental care as well as health protection services provided to seafarers, whether on board or ashore, shall be provided at no cost to the seafarers.

Maritime MLC Rule 2023 Title 4.1.3

Whenever a seafarer needs medical treatment, the medical report form included in the international medical guide for ships (or the ship captain's medical guide or a similar publication) shall be used to facilitate the treatment of the seafarer. These records, when completed, shall be kept confidential.

Maritime MLC Rule 2023 Title 4.1.4

Cook Islands Administration require that the following requirements are met onboard their vessels:

- all ships shall carry a medicine chest, medical equipment and a medical guide, the specifics of which shall be prescribed and subject to regular inspection by the competent authority; the national requirements shall take into account the type of ship, the number of persons on board and the nature, destination and duration of voyages and relevant national and international recommended medical standards;
- ships carrying 100 or more persons and ordinarily engaged on international voyages of more than three days' duration shall carry a qualified medical doctor who is responsible for providing medical care; national laws or regulations shall also specify which other ships shall be required to carry a medical doctor, taking into account, inter alia, such factors as the duration, nature and conditions of the voyage and the number of seafarers on board;
- ships which do not carry a medical doctor shall be required to have either at least one seafarer on board who is in charge of medical care and administering medicine as part of their regular duties or at least one seafarer on board competent to provide medical first aid; persons in charge of medical care on board who are not medical doctors shall have satisfactorily completed training in medical care that meets the requirements of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended ("STCW"); seafarers designated to provide medical first aid shall have satisfactorily completed training in medical first aid that meets the requirements of STCW; national laws or regulations shall specify the level of approved training required taking into account, inter alia, such factors as the duration, nature and conditions of the voyage and the number of seafarers on board; and
- the competent authority shall ensure by a prearranged system that medical advice by radio or satellite communication to ships at sea, including specialist advice, is available 24 hours a day; medical advice, including the onward transmission of medical messages by radio or satellite communication between a ship and those ashore giving the advice, shall be available free of charge to all ships irrespective of the flag that they fly.

Maritime MLC Rule 2023 Title 4.1.5

Copy of the Protection and Indemnity policy covering the Medical Care of all seafarer should be kept onboard any time and made available to all seafarer and all authorized inspectors. Copy of the Policy should be transmitted to the Flag Authority upon vessel registration and kept updated at every renewal.

Maritime MLC Rule 2023 Title 4.1.10

SECTION 13) On-board complaint procedures. Regulation 5.1.5

Cook Islands Maritime Legislation:

Ships are required, by Regulation 5.1.5, paragraph 1, to have on-board procedures for the fair, effective and expeditious handling of



COOK ISLANDS SHIPS REGISTRY



SECTION 13) On-board complaint procedures. Regulation 5.1.5

seafarer complaints alleging breaches of the requirements of this Convention (including seafarers' rights).

Seafarers have to be properly informed of their rights and of the remedies available in case of alleged non-compliance with the requirements of the Convention and whose right to make complaints, both on board ship and ashore, is recognized in the Convention. Those that own or operate MLC ships, are required to develop and carry out plans for ensuring that the applicable national laws, regulations or other measures to implement the MLC, 2006 are actually being complied with.

The masters of MLC ships are responsible for carrying out the MLC shipowners' stated plans, and for keeping proper records to evidence implementation of the requirements of the MLC Convention.

Minimum content of Complaint Procedure:

Every Cook Islands flagged vessel shall provide seafarers with a copy of the On-Board Complaints procedure applicable. The On-Board Complaints procedure shall include:

- the competent authority contacts information in the flag state (mlc@maritimcookislands.com)
- each seafarers' country of residence authority, if different from the Flag State - "Information about the national competent authority for countries that have ratified the MLC, 2006 along with other national information can be found on ILO MLC 2006 website under the link MLC, 2006 database- .The competent authority should be able to provide the information regarding complaints."
- the name of one or more persons on board the ship who can, on a confidential basis, provide seafarers with impartial advice on their complaints and also assistance regarding the procedure for the processing of complaints available on board the ship.

Cook Islands vessels must keep on board the procedure for the fair, effective and expeditious handling of seafarer complaints alleging breaches of the provisions of the Maritime Labour Convention, 2006 (MLC, 2006) (including seafarers' rights) and also a copy shall be kept in English and the onboard official language.

Each vessel or MLC Shipowner shall develop the On-Board Complaints procedures for the processing of complaints on-board.

Timing of the MLC Complaint:

Complaints should be sought to be resolved at the lowest level possible; and only when the matter cannot be resolved to the satisfaction of both parties, shall it be elevated to the next level.

The complainant seafarer shall submit his/her complaint in writing within 7 days of the occurrence, or according to the circumstances to:

- Superior officer
- Head of department
- Master

If, within the period of seven (7) days, the complaint on board has not been resolved, then the period shall be extended for seven (7) more additional days, with the sole purpose to find a favourable solution, which shall be recorded on the registries of the ship and be available to the competent authorities.

The shipowner and the seafarer concerned shall have a period of fourteen (14) days there from to solve the matter.

If after 14 days, the complaint has not been solved, then either party shall have a 7-day period to bring the matter to the Maritime Cook Islands Administration.

Seafarers have the right to complain directly to the master and where they consider it necessary, to the Maritime Cook Islands, MLC, 2006 Contact Point or to appropriate external authorities (Standard A5.1.5, paragraph 2) to mlc@maritimcookislands.com

The Complaint should be submitted no more that 21 days after the Complaint Form issuance date.

Standard A5.2.1, paragraph 3, provides that a "complaint" means information submitted by:

- a seafarer
- a professional body
- an association
- a trade union or,
- generally, any person with an interest in the safety of the ship, including an interest in safety or health hazards to seafarers on board.

Seafarer's rights:

The complainant seafarer shall not be victimized.

All complaints and decisions on them shall be recorded and a copy provided to the complainant seafarer.

Under Regulation 5.2.2 of the MLC, 2006 a complaint by a seafarer alleging a breach of the requirements of the MLC, 2006 (including seafarers' rights) may be made to an authorized officer in the port at which the seafarer's ship has called in accordance with Standard A5.2.2.

Appropriate steps must be taken to safeguard the confidentiality of these complaints (Standard A5.2.2, paragraph 7) and the receipt of the complaint should be recorded by the authorized officer and, in the event that matters are not resolved at the ship-board level, and it is not a matter for a more detailed inspection by a PSCO then the flag State's competent authority must be contacted for advice and a corrective plan of action.

In cases where there is no reply from the flag State and the matter is not resolved, then the port State is required to send a copy to the ILO Director-General and to the appropriate shipowners' and seafarer's organizations in the port.

Seafarers may use the On-Board Complaints Form for complaints related to any matter that is alleged to constitute a breach of the



COOK ISLANDS SHIPS REGISTRY



SECTION 13) On-board complaint procedures. Regulation 5.1.5

provisions of the Maritime Labour Convention, 2006 (MLC, 2006).
Maritime MLC Rule 2023 Title 5.6

Marine Casualties

Maritime Cook require Owners to notify immediately both the competent Deputy Registrar and the MCI Technical Department of any accidents, incidents or mishaps to vessel, crew, or passenger.

The notification shall be made by email and it needs to be addressed to both the Deputy Registrar and the MCI Technical Department email technical@maritimcookislands.com.
Maritime MLC Rule 2023 Title 5.7

SECTION 14) Payment of wages. Regulation 2.2

Cook Islands Maritime Legislation:

Seafarers must be paid for their work regularly and in full, in accordance with their employment agreement and at no greater than monthly intervals. Seafarers are given a monthly account of the payments due and the amounts paid as well as any authorized deductions. Shipowners are required to take measures to provide seafarers with a means to transmit all or part of their earnings to their families or dependants or legal beneficiaries. Any charge for service shall be reasonable in amount and the exchange rate shall be at the prevailing market rate and not unfavourable to the seafarer. Normal hours for calculating the basic pay shall not exceed 48 hours per week and overtime should be not less than one and one-quarter times the basic pay or wages per hour.

Payments should be made by bank transfer and should be in any case made available for inspection. Any exemption from the method of payment through bank transfer should be officially requested and accepted by the Flag Administration after consultation with the tripartite committee.

Maritime MLC Rule 2023 Title 2.2

SECTION 15) Financial security for repatriation. Regulation 2.5

Cook Islands Maritime Legislation:

Seafarers have a right to be repatriated at no cost to themselves in the circumstances and under the conditions specified in the MLC 2006.

Cook Islands Administration require the proof of a Protection and Indemnity policy covering that cover the Social Security. Cook Islands Flag Administration require ships that fly its flag to provide financial security to ensure that seafarers are duly repatriated in accordance with the MLC 2006.

A valid Protection and Indemnity policy should be kept onboard all times and a copy sent to the Administration upon ship provisional registration and subsequently at any policy's renewals or amendments. The financial security shall not cease before the end of the period of validity of the financial security unless the financial security provider has given prior notification of at least 30 days to the competent authority of the Cook Islands

Seafarers on Cook Islands ships are entitled to repatriation in the following circumstances:

- (a) if the seafarers' employment agreement expires while they are abroad;
- (b) when the seafarers' employment agreement is terminated:
 - (i) by the shipowner; or
 - (ii) by the seafarer for justified reasons; and also
- (c) when the seafarers are no longer able to carry out their duties under their employment agreement or cannot be expected to carry them out in the specific circumstances.

Seafarer Employments Agreements should specify, in any case:

- (a) the circumstances in which seafarers are entitled to repatriation in accordance with paragraph 1(b) and (c) of this Standard;
- (b) the maximum duration of service periods on board following which a seafarer is entitled to repatriation – such periods to be less than 11 months; and
- (c) the precise entitlements to be accorded by shipowners for repatriation, including those relating to the destinations of repatriation, the mode of transport, the items of expense to be covered and other arrangements to be made by shipowners.

The Flag Administration prohibit shipowners from requiring that seafarers make an advance payment towards the cost of repatriation at the beginning of their employment, and also from recovering the cost of repatriation from the seafarers' wages or other entitlements except where the seafarer has been found, in accordance with national laws or regulations or other measures or applicable collective bargaining agreements, to be in serious default of the seafarer's employment obligations.

Cook Islands shall facilitate the repatriation of seafarers serving on ships which call at its ports or pass through its territorial or internal waters, as well as their replacement on board.
Maritime MLC Rule 2023 Title 2.5



COOK ISLANDS SHIPS REGISTRY



SECTION 15) Financial security for repatriation. Regulation 2.5

The certificate or other documentary evidence referred to in Standard A2.5.2, paragraph 7, shall include the following information:

- (a) name of the ship;
- (b) port of registry of the ship;
- (c) call sign of the ship;
- (d) IMO number of the ship;
- (e) name and address of the provider or providers of the financial security;
- (f) contact details of the persons or entity responsible for handling seafarers' requests for relief;
- (g) name of the shipowner;
- (h) period of validity of the financial security; and
- (i) an attestation from the financial security provider that the financial security meets the requirements of Standard A2.5.2.

SECTION 16) Financial security relating to shipowners' liability. Regulation 4.2

Cook Islands Maritime Legislation:

Shipowners shall be liable to bear the costs for seafarers working on their ships in respect of sickness and injury of the seafarers occurring between the date of commencing duty and the date upon which they are deemed duly repatriated, or arising from their employment between those dates.

Shipowners shall provide financial security to assure compensation in the event of the death or long-term disability of seafarers due to an occupational injury, illness or hazard, as set out in national law, the seafarers' employment agreement or collective agreement;

Shipowners shall be liable to defray the expense of medical care, including medical treatment and the supply of the necessary medicines and therapeutic appliances, and board and lodging away from home until the sick or injured seafarer has recovered, or until the sickness or incapacity has been declared of a permanent character;

Shipowners shall be liable to pay the cost of burial expenses in the case of death occurring on board or ashore during the period of engagement.

Maritime MLC Rule 2023 Title 4.2

Cook Islands Administration require the proof of a Protection and Indemnity policy covering that cover the Financial Security. A valid Protection and Indemnity policy should be kept onboard all times and a copy sent to the Administration upon ship registration (provisional) and at any renewal.

A valid Protection and Indemnity policy should be kept onboard all times and a copy sent to the Administration upon ship registration (provisional) and at any policy's renewals or amendments.

In case that the Financial security provider intends to terminate the coverage for a specific vessel, a notification must be immediately sent to the Flag Administration by the Financial Security Provider and by the MLC Shipowner. Failure to meet this obligation, transfer the full responsibility to the sole MLC shipowner of all obligations arising from the MLC requirements set out in the Regulation 4.2 with respect to the Financial Security.

The financial security shall provide for the payment of all contractual claims covered by it which arise during the period for which the document is valid.

→in line with Standard A4.2.1

The certificate or other documentary evidence of financial security required under Standard A4.2.1, paragraph 14, shall include the following information:

- (a) name of the ship;
- (b) port of registry of the ship;
- (c) call sign of the ship;
- (d) IMO number of the ship;
- (e) name and address of the provider or providers of the financial security;
- (f) contact details of the persons or entity responsible for handling seafarers' contractual claims;
- (g) name of the shipowner;
- (h) period of validity of the financial security; and
- (i) an attestation from the financial security provider that the financial security meets the requirements of Standard A4.2.1.

→in line with Appendix A4-I

REMARKS	SAMPLE CERTIFICATE
Date of Issue	7 May 2024
Place of Issue	Rarotonga, Cook Islands

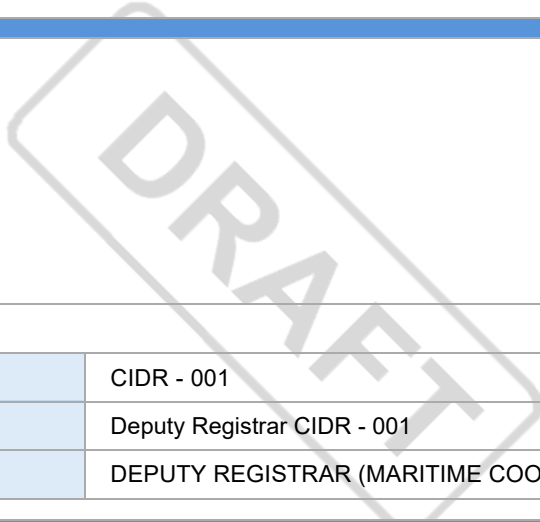


COOK ISLANDS SHIPS REGISTRY



SIGNATURE	
ID	CIDR - 001
Title	Deputy Registrar CIDR - 001
Name	DEPUTY REGISTRAR (MARITIME COOK ISLANDS)

SUBSTANCIAL EQUIVALENCES i	
<input type="checkbox"/> The following substantial equivalencies, as provided under Article VI, paragraphs 3 and 4, of the Convention, except where stated above, are noted (insert description if applicable):	
Insert description if applicable:	
<input checked="" type="checkbox"/> No equivalency has been granted.	
Date	7 May 2024
Place	Rarotonga, Cook Islands



SIGNATURE	
ID	CIDR - 001
Title	Deputy Registrar CIDR - 001
Name	DEPUTY REGISTRAR (MARITIME COOK ISLANDS)

EXEMPTIONS ii	
<input type="checkbox"/> The following exemptions granted by the competent authority as provided in Title 3 of the Convention are noted:	
Insert description if applicable:	
<input checked="" type="checkbox"/> No exemption has been granted.	
Date	7 May 2024
Place	Rarotonga, Cook Islands





COOK ISLANDS SHIPS REGISTRY



SIGNATURE	
ID	CIDR - 001
Title	Deputy Registrar CIDR - 001
Name	DEPUTY REGISTRAR (MARITIME COOK ISLANDS)
i select the statement which is applicable ii select the statement which is applicable	

DRAFT