

ANAVE – Circular de Régimen Interior

Madrid, 1 de agosto de 2016
Ref: SMA 23/2016/AB

Asunto: MLC 2006 – Nueva campaña de inspección concentrada del MOU de París

Muy Srs. nuestros:

El próximo 1 de septiembre, las Autoridades Marítimas del MOU de París sobre el Control por el Estado rector del puerto (Port State Control, PSC) van a iniciar una Campaña de Inspección Concentrada (CIC) para verificar el cumplimiento en todos los buques de las normas sobre el Convenio de Trabajo Marítimo (MLC 2006), que entró en vigor el 20 de agosto de 2013. Esta CIC tendrá una duración de 3 meses y finalizará el 30 de noviembre de 2016.

Les adjuntamos en un Anexo la Nota de Prensa que ha publicado el MOU anunciando la CIC, así como la lista de comprobación que servirá de orientación a los funcionarios de PSC durante las inspecciones.

Según dicha lista, se inspeccionarán con más detalle los siguientes aspectos:

- ¿Están los tripulantes menores de 18 años excluidos de realizar trabajos que sean susceptibles de poner en peligro su seguridad y salud?
- ¿Tienen todos los marinos un certificado médico que acredite que son aptos para realizar su trabajo a bordo?
- ¿Han completado todos los marinos un programa de formación sobre seguridad personal a bordo?
- ¿Tienen todos los marinos una copia de su acuerdo de empleo?
- Si se ha hecho uso de una agencia de contratación y colocación de marinos, ¿cumple ésta con los requisitos del MLC?
- ¿Están los registros sobre las inspecciones llevadas a cabo por el capitán (o persona designada) en los alojamientos de los marinos disponibles para la inspección?
- ¿Se realizan inspecciones frecuentes por el capitán (o bajo su autoridad) y están documentadas, con respecto a los suministros de alimentos y agua potable; los espacios y equipos utilizados para el almacenamiento de alimentos y agua potable y su manipulación; y la cocina y demás instalaciones utilizadas para la preparación y distribución de comidas?
- En los buques de 5 o más tripulantes, ¿existen comités de seguridad y salud a bordo?
- Para aquellos buques que no precisan llevar un médico a bordo, ¿existe al menos un marino que esté en posesión de un certificado de primeros auxilios o cuidados médicos que cumpla con los requisitos del STCW?
- ¿Tienen todos los marinos una copia del procedimiento de tramitación de quejas a bordo?
- ¿Se entrega a los trabajadores un estado de cuenta mensual con los pagos adeudados y las sumas abonadas? (recibo de salarios)

El PSC tiene previsto llevar a cabo unas 4.500 inspecciones durante la CIC. Se recomienda a las empresas que preparen estas inspecciones y revisen todos los asuntos incluidos en la lista de comprobación.

Antes entrar en un puerto de un Estado miembro del MOU en el que el Convenio esté en vigor (u otros puertos con MOUs susceptibles de unirse a la CIC), las compañías y capitanes deben poner especial atención en que los requisitos del MLC 2006 se cumplan adecuadamente, y que toda la documentación y registros pertinentes, que son la prueba de su cumplimiento, estén en orden y disponibles.

Se recomienda además llevar a cabo una auto-inspección/ evaluación a bordo y proporcionar formación a todos los miembros de la tripulación.

En el Cuaderno Profesional Marítimo de este mes de agosto (ejemplar nº 390), que van a recibir en los próximos días, hemos redactado un artículo sobre esta CIC en el que podrán encontrar información adicional sobre esta materia.

Saludos cordiales,

Manuel Carlier

Director General

28 July 2016

LAUNCH OF CONCENTRATED INSPECTION CAMPAIGN ON MLC,2006

The Paris Memorandum of Understanding (MoU) on Port State Control will launch a Concentrated Inspection Campaign (CIC) on the Maritime Labour Convention, 2006 (MLC,2006). The aim of the CIC is to verify that the minimum standards for working and living conditions have been implemented on board. This inspection campaign will be held for a period of three months, commencing from 1 September 2016 and ending 30 November 2016.

The ship's procedures and measures that are in place with respect to MLC,2006 will be checked in detail for compliance with the requirements during a regular Port State Control inspection.

Secretary General Richard Schiferli stated: "Working and living conditions on board have always been a prime area of attention. With the introduction of the MLC enforcement opportunities have greatly improved. Three years after the entry into force, the time is right to focus on the MLC during a concentrated inspection campaign".

Port State Control Officers (PSCOs) will use a list of 12 selected questions to ensure that the required certificates and documentation are present, in particular those related to the seafarers on board. Additionally there are questions aimed at verification of records of the inspections of the accommodation, food and catering, and whether a safety committee has been established.

When deficiencies are found, actions by the port State may vary from recording a deficiency and instructing the master to rectify it within a certain period of time to detaining the ship until serious deficiencies have been rectified. In the case of detention, publication in the monthly detention lists of the Paris MoU web sites will take place.

It is expected that the Paris MoU will carry out approximately 4,500 inspections during the CIC.

The results of the campaign will be analyzed and findings will be presented to the Port State Control Committee. The CIC questionnaire on MLC, 2006 is also published on the Paris MoU website (<http://www.parismou.org/>)

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Notes to editors:

Regional Port State Control was initiated in 1982 when fourteen European countries agreed to coordinate their port State inspection effort under a voluntary agreement known as the Paris Memorandum of Understanding on Port State Control (Paris MOU). Currently 27 countries are member of the Paris MOU. The European Commission, although not a signatory to the Paris MOU, is also a member of the Committee.

The Paris MoU is supported by a central database THETIS hosted and operated by the European Maritime Safety Agency in Lisbon. Inspection results are available for search and daily updating by MoU Members. Inspection results can be consulted on the Paris MoU public website and are published on the Equasis website.

The Secretariat of the MoU is provided by the Netherlands Ministry of Infrastructure and the Environment and located in The Hague.

Port State Control is a check on visiting foreign ships to verify their compliance with international rules on safety, pollution prevention and seafarers living and working conditions. It is a means of enforcing compliance in cases where the owner and flag State have failed in their responsibility to implement or ensure compliance. The port State can require defects to be put right, and detain the ship for this purpose if necessary. It is therefore also a port State's defence against visiting substandard shipping.

Questionnaire for the Concentrated Inspection Campaign (CIC) on Maritime Labour Convention, 2006

Ship's name	
IMO Nr	
Date of inspection	

N°	QUESTIONS	YES	NO	N/A
1*	Are seafarers under the age of 18 excluded from tasks that are likely to jeopardize their safety or health? Standards A 1.1. para. 4			
2*	Are all seafarers holding valid certificate(s) attesting medical fitness? Standard A 1.2. para. 1			
3**	Have all seafarers successfully completed their training for personal safety on board? Regulation 1.3. para. 2			
4.1**	Do all seafarers have a copy of their seafarers' employment agreement? Standards A 2.1. para 1 (a)			
4.2**	Are the seafarers' employment agreements in compliance with minimum standard required by MLC? Standards A 2.1. para 4			
5	If private recruitment and placement service has been used, does it meet the requirements of the MLC, 2006? Standard A 1.4. para. 2 and para 9			
6	Are records of inspections of seafarer accommodations carried out by the master (or another designated person) available for review? Standard A 3.1. para. 18			
7	Are frequent inspections carried out by or under the authority of the master, with respect to 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 documented? Standard A 3.2 para. 7			
8	Has a ships safety committee been established on board regarding ships on which there are five or more seafarers? Standard A 4.3. para. 2d			
9*	For a ship not being required to carry a medical doctor, is there on board at least one seafarer, holder of a certificate of training in medical first aid or in medical care that meets the requirements of STCW? Standard A.4.1. para. 4c			
10**	Are all seafarers provided with a copy of on-board complaint procedures applicable on the ship ? Standard A 5.1.5 para.4			
11**	Have all seafarers received monthly accounts of their payments due and amounts paid? Standard A2.2, para. 2			
12	Was the ship detained as result of the CIC?			

*Note: Questions 1 to 11 answered with a "NO" MUST be accompanied by a relevant deficiency on the Report of Inspection.
If the box "No" is ticked off for questions marked with an "**", the ship may be considered for detention.
If the box "No" is ticked off for questions marked with an "***", and if the deficiency found is repeated (occure more than 1 time), the ship may be considered for detention.*