

Frequently asked Questions

This document has been prepared to provide a consolidated list of the most relevant questions the Coast Guard has received concerning the application of Navigation and Vessel Inspection Circular (NVIC) 02-13, Guidance implementing the Maritime Labour Convention (MLC) for U.S. flagged vessels. Additional questions may be submitted to the U.S. Coast Guard's Domestic Vessel Compliance Division via e-mail at cg-cvc-1@uscg.mil. This document will be updated with new questions and answers as appropriate.

Statements of Voluntary Compliance (SOVC):

Q. Will foreign port state control officers in MLC ratifying nations accept a SOVC as evidence the vessel is in compliance with the MLC?

A. Foreign port state control authorities are under no obligation to accept a SOVC as evidence of MLC compliance. However, the Coast Guard has sent letters to each of the Port State Control MOU authorities detailing our voluntary MLC inspection program and the issuance of SOVCs for those vessels found to be in compliance.

Accommodations:

Q. I operate an uninspected vessel and wish to obtain a Statement of Voluntary Compliance. What documentation do I need to provide to show my vessel was constructed in accordance with U.S. law?

A. If a recognized classification society (RCS) has been hired to conduct the MLC inspection, they have the option to measure the accommodations or require the owner/operator provide adequate plans or other means to verify they meet the requirements listed in 46 USC 11101. The same holds true when the inspection is conducted by a Coast Guard marine inspector. If a owner/operator plans on preparing a "self declaration", as described in the NVIC, they should ensure the accommodations meet 46 USC 11101 and state how they did so on the "self declaration" (self measure, review of plans, naval arch review, RCS verification).

Q. As it pertains to sleeping accommodations on vessels, will the Coast Guard recognize a vessel certified and inspected as an offshore supply vessel (OSV) as being equivalent to a vessel constructed in compliance with the IMO Code of Safety for Special Purpose Ships (SPS)?

A. Though the MLC provides significant flexibilities for the accommodation requirements under Title 3 of the Convention, for special purpose ships constructed in compliance with the IMO's SPS Code. However, the U.S. has not implemented the SPS Code into our domestic regulations and as a result does not issue certificates to vessels meeting its requirements. U.S. Flag vessels must meet the appropriate domestic and

international requirements, as primarily outlined in Titles 46 of the U.S. Code and the Code of Federal Regulations. The Coast Guard has determined that an OSV can be considered a “special ship” for the purpose of the application of Title 3 of the MLC Convention. This determination is based on the special characteristics of the OSVs and their alignment with the characteristics of a “special purpose ship” as defined in the SPS Code. As the United States is not a Party to MLC, we cannot, however, issue any “ruling” that would compel acceptance from a foreign authority such as may be desired during a Port State Control inspection.

Medical Certificates:

Q. My vessel will be making a onetime international voyage. I have read NVIC 02-13 and feel I am in substantial compliance based on the guidance in the NVIC. I do not intend to have an inspection for the issuance of a SOVC. However, because the U.S. does not have a 2 year medical certificate how can I best demonstrate compliance to a foreign port state control officer?

A. The U.S. has not yet fully implemented the medical certificate issuance requirements of the STCW Convention which is the basis of the MLC requirements. However, under the transitional provisions of the STCW Convention, our Administration has until January 1, 2017 to fully implement these requirements. Medical certificate should not have a validity that extends beyond January 1, 2017. The IMO issued STCW.7/Circ.17 which provides guidance on the acceptance of existing medical certificates to port state control officers. Owners/operators also have the option to have their crews get medical exams that include the information found in the ILO/IMO Guidelines on the Medical Examinations of Seafarers. These guidelines can be found on the ILO's website:

http://www.ilo.org/wcmsp5/groups/public/@ed_dialogue/@sector/documents/normativeinstrument/wcms_174794.pdf

Although a specific form was not created as part of this effort, Appendix G outlines the items that must be included on any such form.

Merchant Marine Academy Cadets:

Q. Are merchant marine academy (MMA) cadets who sail aboard commercial merchant vessels as part of their training considered “seafarers” under the MLC?

A. International Labour Organization (ILO) Conference Resolution VII, *Concerning information on Occupational Groups*, identified criteria that should be considered when determining whether certain personnel should be counted as seafarers for the purpose of the MLC. Criteria to be considered include the purpose of the person’s work on board and if they are already covered by labor and social protections that are comparable to those provided under the MLC. It is the position of the Coast Guard that the primary purpose of a MMA cadet is to learn and that a cadet's protections under the U.S. regulations pertaining to MMAs meets or exceeds those found in the MLC. As such,

MMA cadets that fall under 46 CFR 310 should be excluded from the definition of a “seafarer” when sailing on commercial merchant vessels as part of their academy training program.

Onboard Complaint procedures:

Q. NVIC 02-13 does not provide a point of contact for the competent authority in the flag administration as required under the MLC. Who should I list as a competent authority POC when preparing on board complaint procedures for my vessel?

A. The Coast Guard will utilize its individual field units as the communication point for MLC-related complaints from U.S. seafarers. The appropriate field unit should be the nearest U.S. Coast Guard Sector or Marine Safety Unit to the corporate office of the vessel in question. The list of our units and their contact information can be found on our website: <http://homeport.uscg.mil/> (click the "Port Directory" tab near the top of the screen)