



**REPUBLIC of SAN MARINO
MARITIME AUTHORITY**

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

San Marino Policy Letter

SMPL – 2022-MLC-006

01 December 2022

Implementation, Inspections and Certification under the Maritime Labour Convention (MLC), 2006

TO: Recognised Organisations, Shipowners (Company), Managers, Masters, Seafarers, SMSR partners, SMSR brokers, Surveyors, and the general public.



REPUBLIC of SAN MARINO
MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

0. REFERENCES AND PURPOSE

- a. Maritime Labour Convention (MLC), 2006, as amended (the Convention)
- b. San Marino LAW n.120 of 2 AUGUST 2019
- c. San Marino Policy Letter "Standards of accommodation, recreational facilities, food, water and catering under the Maritime Labour Convention (MLC), 2006"
- d. San Marino Policy Letter "Health and safety protection, accident prevention, medical care, welfare and social security protection of seafarers under the Maritime Labour Convention (MLC), 2006"
- e. San Marino Policy Letter "Principles of Minimum Safe Manning"
- f. San Marino Policy Letter "Hours of Work and Hours of Rest"
- g. San Marino Policy Letter "MLC Complaint Procedure"
- h. San Marino Policy Letter "Terms and Conditions for employment of seafarers under the Maritime Labour Convention (MLC), 2006"

The purpose of this Policy Letter is to provide guidance on implementing the requirements of the Maritime Labour Convention (MLC), 2006, including the inspection and certification of ships.

1. APPLICABILITY

SHIPS

Except as expressly provided otherwise, the MLC, 2006 applies to all ships, whether publicly or privately owned, ordinarily engaged in commercial activities, other than ships engaged in fishing or in similar pursuits and ships of traditional build such as dhows and junks. The MLC, 2006 does not apply to warships or naval auxiliaries.

The following ships shall be inspected and certified to be in compliance with the requirements of the convention and carry and maintain a Maritime Labour Certificate (ML Certificate) and the Declaration of Maritime Labour Compliance (DMLC) Parts I and II issued in English:

- a. Ships of 500 gross tonnage or over, engaged in international voyages;
- b. Ships of 500 gross tonnage or over, operating from a port, or between ports, in another country; and
- c. Other ships, as may be voluntarily requested by a shipowner.



REPUBLIC of SAN MARINO MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

Inspection and certification procedures for these ships are provided in the following sections of this document.

Ships of less than 500 gross tonnage to which MLC, 2006 applies are subject to two inspections in a five-year period at intervals not exceeding three (3) years against the same requirements for certified ships. A Maritime Labour Certificate and a DMLC Part I & II are not issued, but an inspection report is issued to these ships.

The applicability to: Mobile Offshore Drilling Units, Floating Production, Storage and Offloading facilities, Floating Storage Units, self-elevating lift boats, mobile Offshore Accommodation Units and other similar mobile offshore units, such as non self-propelled barges, and in general for non-conventional units will be considered on a case by case basis.

The requirements in the Convention implementing Regulation 3.1, Accommodation and recreational facilities, apply only to ships constructed on or after the date when the Convention enters into force. 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. For ships constructed before that date, the requirements relating to ship construction and equipment that are 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, prior to that date.

SEAFARERS

Except as expressly provided otherwise, MLC, 2006 applies to all seafarers on board the ships to which the Convention applies.

The MLC, 2006 recognizes in Article II, paragraph 3, that there may be doubts whether a particular category or categories of persons who may perform work on board a ship covered by the Convention should be regarded as seafarers. Recognizing that there is need for clarification on this subject to help to provide uniformity in the application in the rights and obligations provided by the Convention, the 94th (Maritime) Session of the International Labour Conference adopted Resolution VII, to assist Administrations in resolving any difficulties that may arise. The San Marino Administration will consider the following issues, as provided for in Resolution VII, in determining whether certain persons or category of persons are considered seafarers:

- A. the duration of the stay on board of the persons concerned;
- b. the frequency of periods of work spent on board;
- c. the location of the person's principal place of work;
- d. the purpose of the person's work on board; and
- e. the protection that would normally be available to the persons concerned with regard to their labour and social conditions to ensure they are comparable to that provided for under the Convention.

The Administration, taking into account the criteria provided in Resolution VII, considers that the following persons will not generally be considered as seafarers for the purpose of the MLC, 2006:

1. Professional Pilots;



REPUBLIC of SAN MARINO
MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

2. Port Workers including stevedores;
3. Guest entertainers;
4. Ship Inspectors/Auditors/Surveyors;
5. Ship Superintendents;
6. Repair and maintenance technicians;
7. Temporary riding crew such as Suez Canal crew;
8. Specialist offshore technicians;
9. Privately contracted security personnel; and
10. Owner/Client Representatives

Cadets and Trainees enrolled in a maritime university and sent on board to complete the sea time required for graduation, may upon application and satisfactory review of their contractual or similar arrangements, be exempted from Regulations 1.4 (Recruitment and placement); 2.1 (Seafarers' employment agreements); 2.2 (Wages); 4.2 (Shipowners' liability); 4.5 (Social Security); and Standards A 2.4 (Entitlement to leave); and A 2.5.2(b) of the Convention.

2. COMPLIANCE GUIDANCE

A maritime labour certificate, complemented by a declaration of maritime labour compliance constitutes prima facie evidence that the ship has been duly inspected and that the requirements of this Convention relating to working and living conditions of the seafarers have been met to the extent so certified.

It is required that all ships that fly San Marino Flag have a copy of the Convention MLC 2006 available on board.

San Marino require that ships that fly its flag, where the convention applies, carry and maintain a maritime labour certificate certifying that the working and living conditions of seafarers on the ship, including measures for ongoing compliance to be included in the declaration of maritime labour compliance, have been inspected and meet the requirements of national laws or regulations or other measures implementing the Convention.

San Marino requires that ships that fly its flag where the convention applies to carry and maintain a declaration of maritime labour compliance stating the national requirements implementing this Convention for the working and living conditions for seafarers and setting out the measures adopted by the shipowner to ensure compliance with the requirements on the ship or ships concerned.

San Marino delegates to the Recognized Organization, duly authorized for this purpose, the compliance verification.

When the Recognized organization has ascertained through inspection that a ship flying San Marino Flag meets or continues to meet the standards of the Convention, it shall issue or renew a maritime labour certificate to that effect and maintain a publicly available record of that certificate.

2.1 Certification requirements

Ships required to be inspected and certified for compliance with the requirements of the MLC, 2006 shall carry and maintain a Maritime Labour Certificate and a Declaration of Maritime Labour Compliance (DMLC) Parts I and II issued in English.

The DMLC forms part of the Maritime Labour Certificate and is specific to each ship.



REPUBLIC of SAN MARINO
MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

Part I of the DMLC is drawn up by the Administration and identifies the list of matters to be inspected, the relevant national requirements, ship-type specific requirements under national legislation, any substantially equivalent provisions, and any exemption granted by the Administration.

Part II is drawn up by the shipowner and identifies the measures that have been adopted to provide for initial and ongoing compliance with the national requirements and the measures proposed to encourage continuous improvement.

Part I and II contain a list of 16 areas related to the working and living conditions of seafarers that the Administration and the shipowner must address within the DMLC.

The DMLC Part II must be reviewed and accepted by the Administration before a Maritime Labour Certificate may be issued.

The 16 areas and corresponding regulations that must be addressed in the DMLC are:

1. Minimum age (Regulation 1.1)
2. Medical certification (Regulation 1.2)
3. Qualifications of seafarers (Regulation 1.3)
4. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)
5. Seafarers' employment agreements (Regulation 2.1)
6. Payment of wages (Regulation 2.2)
7. Hours of work or rest (Regulation 2.3)
8. Manning levels for the ship (Regulation 2.7)
9. Accommodation (Regulation 3.1)
10. On-board recreational facilities (Regulation 3.1)
11. Food and catering (Regulation 3.2)
12. On-board medical care (Regulation 4.1)
13. Health and safety and accident prevention (Regulation 4.3)
14. On-board complaint procedures (Regulation 5.1.5)
15. Financial security for repatriation (Regulation 2.5)
16. Financial security relating to shipowners' liability (Regulation 4.2)

Corresponding also to the areas of inspection.

The maritime labour certificate shall be issued by the San Marino recognized organization for a period of five years upon compliance verification.

The validity of the maritime labour certificate shall be subject to an intermediate inspection by a recognized organization, to ensure continuing compliance with the national requirements implementing this Convention. The intermediate inspection shall take place between the second and third anniversary dates of the certificate. Anniversary date means the day and month of each year which will correspond to the date of expiry of the maritime labour certificate. The scope and depth of the intermediate inspection shall be equal to an inspection for renewal of the certificate. The certificate shall be endorsed following satisfactory intermediate inspection.

When the renewal inspection has been completed within three months before the expiry of the existing maritime labour certificate, the new maritime labour certificate shall be valid from the date of completion of the renewal inspection for a period not exceeding five years from the date of expiry of the existing certificate.



REPUBLIC of SAN MARINO
MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

When the renewal inspection is completed more than three months before the expiry date of the existing maritime labour certificate, the new maritime labour certificate shall be valid for a period not exceeding five years starting from the date of completion of the renewal inspection.

In the case, after a renewal inspection completed prior to the expiry of a maritime labour certificate, the ship is found to continue to meet national laws and regulations or other measures implementing the requirements of this Convention, but a new certificate cannot immediately be issued to and made available on board that ship, the recognized organization duly authorized for this purpose, may extend the validity of the certificate for a further period not exceeding five months from the expiry date of the existing certificate, and endorse the certificate accordingly. The new certificate shall be valid for a period not exceeding five years as detailed above.

A maritime labour certificate may be issued on an interim basis:

- (a) to new ships on delivery;
- (b) when a ship changes flag; or
- (c) when a shipowner assumes responsibility for the operation of a ship which is new to that shipowner.

An interim maritime labour certificate may be issued for a period not exceeding six months by the competent authority or a recognized organization duly authorized for this purpose.

An interim maritime labour certificate may only be issued following verification that:

- (a) the ship has been inspected, as far as reasonable and practicable, for the matters listed in this paragraph, taking into account verification of items under subparagraphs (b), (c) and (d) as follows
- (b) the shipowner has demonstrated to the competent authority or recognized organization that the ship has adequate procedures to comply with this Convention;
- (c) the master is familiar with the requirements of this Convention and the responsibilities for implementation; and
- (d) relevant information has been submitted to the competent authority or recognized organization to produce a declaration of maritime labour compliance.

A full inspection shall be carried out prior to expiry of the interim certificate to enable issue of the full-term maritime labour certificate. No further interim certificate may be issued following the initial six months. A declaration of maritime labour compliance need not be issued for the period of validity of the interim certificate.

The maritime labour certificate, the interim maritime labour certificate and the declaration of maritime labour compliance shall be drawn up in the form corresponding to the models given in Annex I.

The declaration of maritime labour compliance shall be attached to the maritime labour certificate. It shall have two parts:

- (a) Part I shall be drawn up by this administration which shall:
 - (i) identify the list of matters to be inspected in accordance with this document.
 - (ii) identify the national requirements embodying the relevant provisions of the Convention by providing a reference to the relevant national legal provisions as well



REPUBLIC of SAN MARINO
MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

as, to the extent necessary, concise information on the main content of the national requirements. Where national legislation precisely follows the requirements stated in the Convention, a direct reference to the convention provision is acceptable.

- (iii) refer to ship-type specific requirements under national legislation.
 - (iv) record any substantially equivalent provisions adopted with concise explanation.
 - (v) clearly indicate any exemption granted, indicating also the provision concerned to.
- (b) Part II shall be drawn up by the shipowner and shall identify the measures adopted to ensure ongoing compliance with the national requirements between inspections and the measures proposed to ensure that there is continuous improvement.

The measures referred to in Part II of the declaration of maritime labour compliance, drawn up by the shipowner, should, in particular, indicate the occasions on which ongoing compliance with particular national requirements will be verified, the persons responsible for verification, the records to be taken, as well as the procedures to be followed where non-compliance is noted. Part II may take a number of forms. It could make reference to other more comprehensive documentation covering policies and procedures relating to other aspects of the maritime sector, for example documents required by the International Safety Management (ISM) Code or the information required by Regulation 5 of the SOLAS Convention, Chapter XI-1 relating to the ship's Continuous Synopsis Record.

The measures to ensure ongoing compliance should include general international requirements for the shipowner and master to keep themselves informed of the latest advances in technology and scientific findings concerning workplace design, taking into account the inherent dangers of seafarers' work, and to inform the seafarers' representatives accordingly, thereby guaranteeing a better level of protection of the seafarers' working and living conditions on board.

The declaration of maritime labour compliance should, above all, be drafted in clear terms designed to help all persons concerned, such as flag State inspectors, authorized officers in port States and seafarers, to check that the requirements are being properly implemented. The shipowner shall request from the Administration to flagstate@smsr.sm a ship specific DMLC Part I prior to developing and submitting a DMLC Part II for issuance of a Maritime Labour Certificate or a draft DMLC Part II for issuance of an interim Maritime Labour Certificate.

To facilitate the DMLC Part II review and acceptance process, it is recommended to complete the checklist used by the Administration for the DMLC Part II review and acceptance and attach it to the submitted DMLC Part II. The checklist identifies the applicable sections of MLC, 2006 and the corresponding Administration's requirements for the DMLC Part II in order to be accepted by the Administration.

Shipowners shall submit a single hard or soft copy of each DMLC Part II to the Administration, in English, for review and acceptance prior to the inspection for a Maritime Labour Certificate. Where the DMLC Part II is not in English, it must be accompanied by an English-language translation. Following the Administration's review and acceptance of the measures in the DMLC Part II, an authorized RO Inspector shall conduct an inspection of the ship to verify implementation of the measures drawn up by the shipowner.



REPUBLIC of SAN MARINO
MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

Following the successful on-board inspection and verification of compliance with requirements set out in DMLC Part I, the Part II will be certified and endorsed and the Declaration of Maritime Labour Compliance issued with the Maritime Labour Certificate.

To complete the review of each DMLC Part II, the shipowner must also submit the following documents to the Administration, in English:

- a) Copy of the SRPS(s) license or certificate to operate, if available; where the SRPS(s) is located in a country that is not a party to MLC, 2006, a certificate or letter issued by the Administration accepting the SRPS to recruit seafarers on San Marino registered ships.
- b) Copy of the Collective Bargaining Agreement(s) (CBA) applicable to seafarers serving on the ship operated by that shipowner
- c) Copy of the Seafarers Employment Agreement(s) applicable to seafarers serving on the ship operated by that shipowner.
- d) Where the seafarers employment agreement is signed by a representative of the shipowner, a copy of the manning agreement or similar arrangement between the shipowner and the representative of the shipowner.
- e) Evidence of shipowners' financial security for repatriation of seafarers
- f) Evidence of shipowners' financial security to assure compensation (the seafarers' employment agreement; or a collective agreement, private insurance, whichever is greater) in case of seafarer's death or long-term disability due to an occupational injury, illness or hazard.
- g) Copy of the standardized format of the table of ship-board working arrangements.
- h) Copy of the standardized format of the record of daily hours of rest or hours of work
- i) Copy of the standard medical report form used by the master and relevant medical personnel (on board and ashore) to help facilitate treatment of seafarers
- j) Copy of ship-owners on-board complaint procedures

A letter indicating successful review of the measures in the DMLC-II and the supporting documents will be issued to each ship, which must be placed on board along with the DMLC Part II. Following successful inspection and issuance of a Maritime Labour Certificate, this letter is no longer required and may be removed. A copy of the DMLC-II and the letter will be retained by the Administration for control purposes.

The recognized organization duly authorized for this purpose shall certify Part II and shall issue the declaration of maritime labour compliance.

The results of all subsequent inspections or other verifications carried out with respect to the ship concerned and any significant deficiencies found during any such verification shall be recorded, together with the date when the deficiencies were found to have been remedied. This record, accompanied by an English-language translation where it is not in English, shall be inscribed upon or appended to the declaration of maritime labour compliance or made available in some other way to seafarers, flag State inspectors, authorized officers in port States and shipowners' and seafarers' representatives.

A current valid maritime labour certificate and declaration of maritime labour compliance, accompanied by an English-language translation where it is not in English, shall be carried on the ship and a copy shall be



REPUBLIC of SAN MARINO
MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

posted in a conspicuous place on board where it is available to the seafarers. A copy shall be made available, upon request, to seafarers, flag State inspectors, authorized officers in port States, and shipowners' and seafarers' representatives.

The requirement for an English-language translation does not apply in the case of a ship not engaged in an international voyage.

A certificate issued under the provision of this document shall cease to be valid in any of the following cases:

- (a) if the relevant inspections are not completed within the periods specified in this document.
- (b) if the certificate is not endorsed in accordance with the provisions of this document;
- (c) when a ship changes flag;
In case a ship flying San Marino Flag changes Flag to another state that has ratified the Convention, copies of the maritime labour certificate and the declaration of maritime labour compliance carried by the ship before the change of flag and, if applicable, copies of the relevant inspection reports shall be sent to the competent authority of the other member if the competent authority so requests within three months after the change of flag has taken place.
- (d) when a shipowner ceases to assume the responsibility for the operation of a ship; and
- (e) when substantial changes have been made to the structure or equipment

In the case referred to at points (c), (d) or (e) above, a new certificate shall only be issued when the recognized organization issuing the new certificate is fully satisfied that the ship is in compliance with the requirements of this document.

A maritime labour certificate shall be withdrawn by this Administration or the recognized organization duly authorized for this purpose, if there is evidence that the ship concerned does not comply with the requirements of the Convention and any required corrective action has not been taken.

When considering whether a maritime labour certificate should be withdrawn in accordance with the provisions of this document, the competent authority or the recognized organization shall take into account the seriousness or the frequency of the deficiencies.

Upon entry into force on 18 January 2017, a certificate or other documentary evidence of financial security issued by the financial security provider acceptable to the Administration shall be carried on board ships. The Administration will accept a certificate or other documentary evidence of financial security issued by members of the International Group of Protection & Indemnity (P&I) Clubs. Other providers may make an application to the Administration and will be evaluated on a case by case basis.

3. AUTHORIZATION OF RECOGNIZED ORGANIZATIONS

The recognized organizations shall have been recognized by the San Marino competent authority as meeting the requirements in the Convention regarding competency and independence. The inspection or certification functions which the recognized organizations may be authorized to carry out shall come within the scope of the activities that are expressly mentioned in the Code as being carried out by the competent authority or a recognized organization.



REPUBLIC of SAN MARINO
MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

The reports referred to in paragraph 5 of Regulation 5.1.1 shall contain information regarding any recognized organization, the extent of authorizations given, and the arrangements made by San Marino to ensure that the authorized activities are carried out completely and effectively.

For the purpose of recognition in accordance with paragraph 1 of Regulation 5.1.2, the competent authority shall review the competency and independence of the organization concerned and determine whether the organization has demonstrated, to the extent necessary for carrying out the activities covered by the authorization conferred on it, that the organization:

- (a) has the necessary expertise in the relevant aspects of the Convention and an appropriate knowledge of ship operations, including the minimum requirements for seafarers to work on a ship, conditions of employment, accommodation, recreational facilities, food and catering, accident prevention, health protection, medical care, welfare and social security protection;
- (b) has the ability to maintain and update the expertise of its personnel;
- (c) has the necessary knowledge of the requirements of the Convention as well as of applicable national laws and regulations and relevant international instruments; and
- (d) is of the appropriate size, structure, experience and capability commensurate with the type degree of authorization.

The authorizations granted with respect to inspections empower the recognized organization to require the rectification of deficiencies that it identifies in seafarers' working and living conditions and to carry out inspections in this regard at the request of a port State.

San Marino shall provide the International Labour Office with a current list of any recognized organizations authorized to act on its behalf and it shall keep this list up to date. The list shall specify the functions that the recognized organizations have been authorized to carry out. The Office shall make the list publicly available.

The organization seeking recognition should demonstrate the technical, administrative and managerial competence and capacity to ensure the provision of timely service of satisfactory quality.

In evaluating the capability of an organization, San Marino Authority should determine whether the organization:

- (a) has adequate technical, managerial and support staff;
- (b) has sufficient qualified professional staff to provide the required service, representing an adequate geographical coverage;
- (c) has proven ability to provide a timely service of satisfactory quality; and
- (d) is independent and accountable in its operations.

The San Marino authority should conclude a written agreement with any organization that it recognizes for purposes of an authorization. The agreement should include the following elements:

- (a) scope of application;
- (b) purpose;
- (c) general conditions;
- (d) the execution of functions under authorization;



REPUBLIC of SAN MARINO MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

- (e) legal basis of the functions under authorization;
- (f) reporting to the competent authority;
- (g) specification of the authorization from the competent authority to the recognized organization; and
- (h) the competent authority's supervision of activities delegated to the recognized organization.

San Marino requires the recognized organizations to develop a system for qualification of staff employed by them as inspectors to ensure the timely updating of their knowledge and expertise.

San Marino requires the recognized organizations to maintain records of the services performed by them such that they are able to demonstrate achievement of the required standards in the items covered by the services.

4.0 AUTHORITY, CONDUCT, OBLIGATIONS AND RESPONSIBILITIES OF AUTHORIZED RO INSPECTORS

San Marino has a system of inspection of the conditions for seafarers on ships that fly its flag which includes verification that the measures relating to working and living conditions as set out in the declaration of maritime labour compliance, where applicable, are being followed, and that the requirements of the Convention are met.

4.1 Authority

Inspectors duly qualified as detailed, have the authority:

- a) To board a San Marino registered ship;
- b) To carry out any examination, test or inquiry in order to satisfy themselves that the requirements of the Convention are being strictly observed;
- c) To question the master, seafarer or any other person, including the shipowner or the shipowners' representative, on any matter concerning the application of the requirements under San Marino laws and regulations, in the presence of any witness that the persons may have requested;
- d) To require the production of any books, log books, registers, records, certificates or other documents or information directly related to matters subject to inspection, in order to verify compliance with San Marino laws and regulations implementing the Convention;
- e) To enforce the posting of notices that may be required under San Marino laws and regulations implementing the Convention;
- f) To require that the master make arrangements to take or remove, for the purpose of analysis, samples of products, cargo, drinking water, provisions, materials and substances used or handled;
- g) Following an inspection, to bring immediately to the attention of the shipowner, the operator of the ship or the master, any deficiencies which may affect the health and safety of those on board ship;
- h) To require deficiencies to be remedied;
- i) On authorization from the Administration to prohibit a ship from departing port until any deficiencies which represent a significant danger to the safety, health or security of seafarers;



REPUBLIC of SAN MARINO
MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

or which constitute a serious breach of the requirements (including seafarers rights) of the convention is rectified or an action plan to rectify the deficiencies has been accepted by the Administration or authorized RO;

- j) To bring to the attention of the Administration any deficiency or abuse not specifically covered by existing Liberian laws and regulations and submit proposals for the improvement of the laws and regulations;
- k) To notify the Administration of any occupational injuries or diseases affecting seafarers in such cases and in such manner as required by San Marino law and regulations.
- l) To ask for the expertise of duly qualified technical experts and specialists if necessary to assist the in the work of the inspectors
- m) To ask for adequate premises, means of transport and equipment for the efficient performance of their duties.

Any action taken pursuant to the above list shall be subject to any right of appeal to a judicial or administrative authority.

4.2 Conduct of Inspectors

- a) Inspectors shall treat as confidential the source of any grievance or complaint alleging a danger or deficiency in relation to seafarers' working and living conditions or a violation of laws and regulations and shall not reveal to the shipowner, the shipowners representative or the operator of the ship that an inspection was made as a consequence of such a grievance or complaint.
- b) Inspectors that have any direct or indirect interest with the shipowner, seafarers or other interested parties shall not be called upon to carry out the maritime labour inspection.
- c) Inspectors shall not reveal, even after leaving service, any commercial secrets or confidential working processes or information of a personal nature which may come to their knowledge in the course of their duties, and may be subject to appropriate sanctions or disciplinary measures.
- d) Inspectors shall have the discretion to give advice instead of instituting or recommending proceedings when there is no clear breach of the requirements of this Convention that endangers the safety, health or security of the seafarers concerned and where there is no prior history of similar breaches.

4.3 Obligations

Authorized RO's, shall, submit a report of each inspection to the Administration. One copy of the report in English or in the working language of the ship shall be furnished to the master of the ship and another copy shall be posted on the ship's notice board for the information of the seafarers and, upon request, sent to their representatives.

In case of an investigation following a major incident, the report shall be submitted to the Administration as soon as practicable, but not later than one month following the conclusion of the investigation.



REPUBLIC of SAN MARINO MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

The San Marino Maritime Authority, eventually through the Recognized Organization databases, maintain records of inspections of the conditions for seafarers on ships that fly its Flag. An annual Report shall be published on inspections activity.

If a San Marino Authority receives a complaint which it does not consider manifestly unfounded or obtains evidence that a ship that flies its flag does not conform to the requirements of the Convention or that there are serious deficiencies in the implementation of the measures set out in the declaration of maritime labour compliance, San Marino shall investigate the matter and ensure that action is taken to remedy any deficiencies found or shall prevent the ship to leave port in case of extremely serious danger for the health and safety of the personnel on board.

4.4 Responsibility of Inspectors

When an inspection is conducted or when measures are taken to remedy or rectify a deficiency or provide an acceptable corrective action plan, all reasonable efforts shall be made to avoid a ship being unreasonably detained or delayed.

5.0 REQUIREMENTS

5.1 Report of Maritime Labour Inspection, Maritime Labour Certificate and DMLC

Regardless of whether the ship is certified under the MLC, 2006, or not, after conducting an MLC, 2006, inspection, the authorized RO inspectors shall prepare a report of each inspection and provide three copies in English. The original of the report shall be given to the master, a copy shall be posted on the ships notice board for the information of the seafarers and a copy (digital is also accepted) sent to the Administration. Upon request, on behalf of the seafarers, a copy of the report shall be sent to the seafarers' representative. The report should stipulate that any deficiencies found during the inspection are to be rectified in accordance with the Administrations and/or authorized RO's inspection reporting procedures. The current valid Maritime Labour Certificate and DMLC (parts I and II) issued by the Maritime Labour Inspector in English, shall be carried on the ship, and a copy shall be posted in a conspicuous place on board where it is available to seafarers. A copy shall be made available, upon request to seafarers, authorized RO inspectors, authorized officers in port states, Flag State inspectors, and shipowners' and seafarers' representatives.

5.2 Record keeping of inspections

For ships carrying a Maritime Labour Certificate, the inspection reports of all subsequent inspections or other verifications carried out, together with the date when the deficiencies were found to be remedied shall be maintained together with the DMLC, and be made available, when requested, to seafarers, authorized RO inspectors, authorized officers in port states, Flag State inspectors and shipowners' and seafarers' representatives.

5.3 Change of Flag



REPUBLIC of SAN MARINO MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

Shipowners of a San Marino flagged ship should notify the Administration, if the ship changes flag to another Administration. If that Administration is a flag State that is a Party to the MLC, 2006, the San Marino Administration or the authorized RO, where the authorized RO has issued the Maritime Labour Certificate on behalf of the Administration, will transmit to the gaining flag Administration copies of the Maritime Labour Certificate issued to the ship and, if applicable, copies of the relevant inspection reports, if the competent authority so requests within three (3) months after the change of flag has taken place.

5.4 Changes to the Declaration of Maritime Labour Compliance, ML Certificate and Shipowner

5.4.1 Changes to measures in DMLC Part I

The Administration will advise shipowners of changes to the DMLC Part I. In case of substantial changes to the DMLC Part I, requiring updating and certifying of the DMLC Part II, a new DMLC Part I will be issued to each ship and a new DMLC Part II must be submitted to the Administration for review and acceptance. An additional Maritime Labour inspection may be required to verify the new measures, certify the new DMLC Part II and issue the declaration of maritime labour compliance. If an additional inspection is conducted, a new ML certificate will be issued with the same validity date as the existing ML certificate.

In any case when a new ML certificate is issued it shall be valid for a period which shall not exceed five years.

5.4.2 Changes to measures in DMLC Part II

The shipowner shall advise the Administration of changes to the DMLC Part II.

- a) In case of minor editorial changes to the DMLC Part II not leading to updating of other parts of the DMLC Part II, only the amended pages of the DMLC Part II shall be submitted to the Administration for review. The issue date of the DMLC shall not be changed. A new ML Certificate need not be re-issued.
- b) In case of any change to the measures in DMLC Part II, a new DMLC Part II must be submitted to the Administration for review and acceptance. An additional Maritime Labour inspection may be required to verify the new measures, certify the new DMLC Part II and issue the declaration of maritime labour compliance. If an inspection is conducted, a new ML certificate will be issued with the same validity date as the original ML certificate.
- c) The DMLC Part II need not be submitted, if there are changes made only to the documents referenced in the DMLC Part II, and does not affect the implementation of the measures in the DMLC Part II.

5.4.3 Changes to Certificate data



REPUBLIC of SAN MARINO MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

- a) In case of change in shipowners name and/or contact information, only the affected pages in the DMLC Part II must be submitted to the Administration and the last page in the DMLC Part II must be submitted to the Administration or the authorized RO which certified the DMLC Part II and issued the ML Certificate. An amended DMLC Part II will be issued with the new shipowners' name and/or contact information. The issue date of the DMLC shall not be changed. An amended ML Certificate with the new issued date and the same validity dates as the original ML Certificate shall be issued by the Administration or authorized RO. The endorsement for the intermediate inspection, if any, shall be transferred to the new certificate, with date and location. It shall be stamped or marked with text "Confirmed carried out". The endorsement shall be stamped, dated and signed.
- b) In case of change in ships name, only affected pages in the DMLC Part II, if any, must be submitted to the Administration and/or authorized RO which certified the DMLC Part II and issued the ML Certificate. An amended DMLC Part I will be issued with the new ships name. The issue date of the DMLC shall not be changed. An amended ML Certificate with the new issue date and the same validity dates as the original ML Certificate will be issued by the Administration or the authorized RO. The endorsement for the intermediate inspection, if any, shall be transferred to the new certificate, with date and location. It shall be stamped or marked with text "Confirmed carried out". The endorsement shall be stamped, dated and signed.

5.4.4 Changes to Shipowner

In case of change of Shipowner (manager or operator), a new DMLC Part II and relevant documents must be submitted to the Administration for review. A Maritime Labour inspection will be required.

5.5 Inspection for issuance of a Maritime Labour Certificate or Interim Maritime Labour Certificate:

5.5.1 Maritime Labour Certificate

Only authorized RO inspector is authorized to conduct maritime labour inspections and verifications on behalf of the Administration.

- a) The shipowner must contact the Administration or authorized RO to arrange for the inspection and verification for a Maritime Labour Certificate. Failure to have a valid Maritime Labour Certificate will be considered a violation of the MLC, 2006 Convention and the ship may be prevented from trading.
- b) The DMLC Part I and a DMLC Part II reviewed and accepted by the Administration must be available on board ship before any inspection and verification will be conducted.
- c) The Shipowners' measures drawn up in the DMLC Part II must be implemented on board before the inspection and verification for issuance of a Maritime Labour Certificate. The Administration does not specify minimum implementation period, however, the shipowner shall ensure that the measures included in the DMLC Part II have been in place on the ship



REPUBLIC of SAN MARINO MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

for a period of time for the Master to develop sufficient evidence documenting implementation before the inspection and verification is carried out.

- d) Inspections other than Interim inspections will only be performed under normal operating conditions, example: when the ship is not in dry-dock or lay-up.

5.5.2 Interim Maritime Labour Certificate

The Administration is aware of the short period allowed for implementation of the requirements of the Convention on board newly operated vessels; therefore the following minimum requirements will be verified during the verification for an Interim Maritime Labour Certificate:

- a) The ship has been inspected, as far as reasonable and practicable, for the 16 matters listed at 2.1 taking into account b), c) and d) below;
- b) The Shipowner has demonstrated to the Administration that the ship has adequate procedures adopted in the draft of the DMLC Part II to comply with the requirements of the Convention;
- c) The Master is familiar with the requirements of the Convention and the responsibilities for implementation; and
- d) The Shipowner has submitted an application for a DMLC Part I and a draft of the DMLC Part II to the Administration which outlines the measures that the shipowner proposes to implement on board the ship. Where the information in b) and d) above has been submitted to the Administration, an email confirming receipt shall be sent to the Shipowner, as evidence of submission.

5.5.3 Preparing for the Inspection and Verification

When scheduling a maritime labour inspection and verification the Shipowner shall coordinate with the RO.

The preparation for the inspection and verification by the R.O. shall include the following elements:

- a) Date and place where the inspection and verification will be conducted;
- b) Objectives and scope;
- c) The expected time and duration for each activity
- d) Review of ship's history from previous flag state and port state inspection reports and ILO records if available;
- e) For certified and uncertified ships, before the inspection is carried out, whether there are any outstanding deficiencies from any previous inspection or other verification which have not been addressed by the shipowner. The Administration will take action regarding rectification of the deficiencies before the inspection.

5.5.4 Inspection and verification

The inspection and verification will be conducted as described below and should be sufficiently flexible to permit changes based on information gathered during the inspection.



REPUBLIC of SAN MARINO
MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

- a) Conduct an opening meeting with at least the Master and the person/persons designated for assisting seafarers in following the onboard complaint procedures, using the following agenda:
 - i. Confirm the working language.
 - ii. Introduction of the members of the inspection team.
 - iii. Explanation of the scope and requirement of the inspection.
 - iv. Outline the inspection program and ensure there is sufficient time to complete the inspection.
 - v. Set communication guidelines for inspectors and seafarers.
 - vi. Agree which seafarers will accompany the inspector(s) as they verify the measures on board the vessel.
 - vii. Verify vessel's crew list.
 - viii. Confirmation that the inspector will ensure the confidentiality of the information obtained during the inspection.
 - ix. Verification of the implementation of any corrective actions from the previous inspection, close, sign and stamp the inspection report.
 - x. Schedule the closing meeting.
- b) Conduct an inspection team briefing with all parties who participate in the inspection and familiarization with the measures drawn up in the DMLC, Parts I & II. If a DMLC Part I and a DMLC Part II that has been reviewed and accepted by the Administration is not available on board ship, the inspector(s) will not continue with the inspection.
- c) Conduct the inspection with the inspection team including:
 - i. Inspection of records of the elements of decent work, human and operational issues such as payment of wages, qualifications, manning levels, seafarers' employment agreements, minimum age, medical certification and hours of rest.
 - ii. Inspection of records of occupational health, safety and accident prevention programmes, including operational practices, hazard identification and risk evaluation, permit to work systems, accident/incident and near-miss reports, safety committee meeting reports;
 - iii. Inspection of accommodation, recreational facilities, galley, food and catering, including the records of inspections;
 - iv. Inspection of medical chest, medical logs, hospital;
 - v. Inspection of deck areas, machinery spaces and personal protective equipment;
 - vi. Inspection of on-board complaint handling procedures; and
 - vii. Interview several seafarers in private.
- d) Conduct an inspection team debriefing to gather conclusions and recommendations.
- e) Conduct a closing meeting with at least the Master and the person or persons designated to assist seafarers with the on-board complaint procedures.
- f) Complete and issue the inspection report in accordance with section 5.1.



REPUBLIC of SAN MARINO
MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

5.6 Rectification of Deficiencies

- a) Any deficiencies identified during the inspection shall be recorded on the inspection report. All deficiencies identified are required to be rectified in accordance with the Administrations and/or authorized RO's provisions.
- b) A Maritime Labour Certificate will not be issued until deficiencies related to approved measures in the declaration of maritime labour compliance are rectified or a corrective action plan has been provided by the shipowner and/or master and accepted by the Inspector to rectify the deficiencies within a specified time-frame, not exceeding three (3) months to implement the necessary corrective actions.
- c) The Inspector shall report any serious deficiencies which affect the safety of the ship, or represent a significant danger to the safety, health or security of seafarers, or constitute a serious breach of the requirements of this Convention (including seafarers' rights) to the shipowner, the Master of the vessel involved and to the Administration. The inspector will confirm that the shipowner and/or Master has determined and initiated appropriate corrective action to correct the deficiencies or to correct the causes of the deficiencies before the ship departs port.
- d) In the case of any serious deficiencies which represent a significant danger or constitute a serious breach of the requirements of this Convention (including seafarers' rights), the Inspector shall, if authorized by the flag Administration, prohibit the ship from departing the port, unless the deficiencies are rectified or a corrective action plan to rectify the deficiencies has been accepted by the Administration or authorized RO.
- e) The Administration or authorized RO may accept a corrective action plan to correct the serious deficiencies, if satisfied that the plan will be implemented in an expeditious manner within a specified time-frame not exceeding three(3) months to implement the necessary corrective actions.
- f) When a corrective action plan to rectify the deficiencies or serious deficiencies has been accepted by the Inspector, Administration, an additional Maritime Labour inspection may be required to verify the implementation of the corrective action plan.
- g) Where an additional Maritime Labour inspection is not required, evidence of implementation of the corrective action shall be submitted within the agreed time-frame and verification of the implementation of the corrective actions will be carried out at the next scheduled inspection by the attending inspector, who will close and sign the inspection report.

5.7 Additional Inspections and Verifications

An additional maritime labour inspection may be carried out by the Administration or the authorized RO:

- a) if the Administration receives a complaint which it does not consider manifestly unfounded or obtains evidence that a ship does not conform to the requirements of the Convention or that there are serious deficiencies in the implementation of the measures set out in the declaration of maritime labour compliance;



REPUBLIC of SAN MARINO
MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

- b) if after a more detailed inspection by an authorized officer of a port state, the ship is prohibited from proceeding to sea until any conditions on board that are clearly hazardous to the safety, health or security of seafarers; or the non-conformity that constitutes a serious or repeated breach of the requirements of this Convention have been rectified, or a plan of action to rectify such non conformities has been accepted by the authorized officer, and is satisfied that the plan will be implemented in an expeditious manner;
- c) when changes have been made to the measures in DMLC Part II;
- d) when substantial alteration has been made to the seafarer accommodation; or
- e) other occasions as may be deemed appropriate by the Administration.

5.8 Internal Maritime Labour Inspections

An internal maritime labour inspection should be conducted by the shipowners at intervals not exceeding 12 months to ensure ongoing compliance and continuous improvement. This may be done in concert with the Company's internal ISM audit.

Personnel carrying out the inspections should be independent of the areas being inspected unless this is impracticable due to the size and the nature of the shipowner.

5.9 Designation of the Shipowners' representative with MLC responsibilities

The shipowner (manager or operator) must provide the Administration with the name, address, fax, email, telex numbers and emergency contact information of the person(s) with MLC responsibilities, including seafarer complaint resolution.

This information may be included with the documentation submitted by the shipowner for DMLC Part II. Changes should be sent by email or fax or mail.

In case of ISM certified Company, unless different designation, the MLC responsible is the DPA.

5.10 Validity of Certificates

A Maritime Labour Certificate shall be issued to each ship following a successful inspection and verification by the authorized RO inspector on behalf of the Administration.

- a) The Maritime Labour Certificate shall be issued to a ship by the Administration or by the duly authorized RO for a period which shall not exceed five years, upon successful inspection and verification of the Administrations requirements implementing the provisions of the Convention regarding the working and living conditions of seafarers on the ship, including measures for ongoing compliance which are included in the declaration of maritime labour compliance.
- b) The validity of the Maritime Labour Certificate shall be subject to an intermediate inspection by the Administration or authorized RO to ensure continuing compliance with the Administrations requirements implementing the provisions of the Convention, and it shall take place between the second and third anniversary dates of the certificate. Anniversary date means the day and month of the year which will correspond to the date of expiry of the Maritime Labour Certificate. The scope of



REPUBLIC of SAN MARINO
MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

the intermediate inspection shall be equal to an inspection for renewal of the certificate. The certificate shall be endorsed following satisfactory intermediate inspection.

- c) Notwithstanding section 4.10.1 above, when the renewal inspection has been completed within three (3) months before the expiry of the existing Maritime Labour Certificate, the new Maritime Labour Certificate shall be valid from the date of completion of the renewal inspection for a period not exceeding five (5) years from the date of expiry of the existing certificate. In such a case the period of validity may exceed five (5) years.
- d) When the renewal inspection is completed more than three (3) months before the expiry date of the existing Maritime Labour Certificate, the new Maritime Labour Certificate shall be valid for a period not exceeding five (5) years starting from the date of completion of the renewal inspection.
- e) The date and place of issue stated on the Maritime Labour Certificate is where the certificate was printed regardless the date and place of the inspection and verification. As example, the inspection took place on 25 June 2010 in Ravenna and the certificate was issued in RO head office Genova, Italy on 25 July 2010 then the date and place of issue will be 25 July 2010 at Genova, Italy. The Maritime Labour Certificate will be valid until 24 June 2015.
- f) A Maritime Labour Certificate issued by the San Marino Administration is endorsed by an authorized RO, without the specific authorization of the Administration.

5.11 Interim Certification

- a) Interim Maritime Labour Certificates may only be issued if the Administration or authorized RO acting on behalf of the Administration verified compliance with provisions of section 5.5.2 above and for:
 - i) New ships on delivery;
 - ii) Transfer from another Flag; or
 - iii) A shipowner takes on responsibility for the operation of a ship which is new to that shipowner.
- b) A declaration of maritime labour compliance need not be issued for the period of validity of the interim certificate.
- c) An interim Maritime Labour Certificate may be issued for a period not exceeding six (6) months and cannot be extended.
- d) For a vessels first inspection under MLC, 2006, it is recommended that shipowners consider requesting an interim Maritime Labour Certificate valid for a period not exceeding five (5) months. This will allow the Administration to extend the interim Maritime Labour Certificate for a period not exceeding one (1) month, if needed to complete implementation of the requirements of the Convention and avoid undue delays.
- e) Prior to the expiration of the interim Maritime Labour Certificate, the Administration or the authorized RO should issue a Maritime Labour Certificate upon successful inspection for all the requirements of the Convention and verification of the working and living conditions of seafarers on the ship, including measures for ongoing compliance which are included in the declaration of maritime labour compliance.

6.0 NONCOMPLIANCE WITH THE MLC, 2006



REPUBLIC of SAN MARINO MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

6.1 'Cease to be valid' Maritime Labour Certificate

A certificate issued under provisions stated in this document shall cease to be valid in any of the following cases:

- a) if the intermediate inspection is not completed within the second and third anniversary dates of the Maritime Labour Certificate;
- b) if the intermediate inspection is not satisfactorily completed and the ML Certificate is not endorsed;
- c) when a ship changes flag;
- d) when a shipowner ceases to assume the responsibility for the operation of a ship; and
- e) when substantial changes have been made to the structure or equipment covered in Title 3.

In the case of a) and b) above, the existing Maritime Labour Certificate may be reinstated following an inspection and verification to the extent and scope of an inspection for a Maritime Labour Certificate. A new Maritime Labour Certificate will be issued with the same validity date as the original Maritime Labour Certificate.

In the case referred to in c), d) and e) above, a new Maritime Labour Certificate shall only be issued when the Administration or the authorized RO issuing the new certificate is fully satisfied that the ship is in compliance with the Administrations laws and regulations and other requirements implementing the provisions of the Convention regarding working and living conditions of seafarers on ships.

6.2 Withdrawal of the Maritime Labour Certificate

A Maritime Labour Certificate may be withdrawn at the determination of the Administration. Cause for certificate withdrawal may include, but is not limited to:

- a) On recommendation of the authorized RO, that the ship concerned does not comply with the Administrations requirements implementing the provisions of the Convention;
- b) Any accepted corrective action plan to rectify serious deficiencies has not been implemented; and
- c) The measures in the declaration of maritime labour compliance Part II are not implemented on board.

When considering whether a Maritime Labour Certificate should be withdrawn, the Administration shall take into account the seriousness or the frequency of the deficiencies.

6.3 Right to Appeal

In the event a shipowner disagrees with a determination made by the Administration or the authorized RO inspector, the shipowner may make a direct appeal to the Administration. The final determination will be based upon both the substance of the appeal and the recommendations of the authorized RO.

Appeals shall be in writing and may be sent by email to flagstate@smsr.sm.

7. ANNEXES



REPUBLIC of SAN MARINO
MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

Annex I

Models for the maritime labour certificate, the interim maritime labour certificate and the declaration of maritime labour compliance, part I and part II

Annex II

Standard DMLC Part I



REPUBLIC of SAN MARINO
MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

ANNEX I

Maritime Labour Certificate

*(Note: This Certificate shall have a Declaration
of Maritime Labour Compliance attached)*

Issued under the provisions of Article V and Title 5 of the
Maritime Labour Convention, 2006
(referred to below as “the Convention”)
under the authority of the Government of:

.....
(full designation of the State whose flag the ship is entitled to fly)

by
(full designation and address of the competent authority or recognized organization
duly authorized under the provisions of the Convention)

Particulars of the ship

Name of ship:

Distinctive number or letters:

Port of registry:

Date of registry:

Gross tonnage:¹

IMO number:

Type of ship:

Name and address of the shipowner:²

.....
.....

¹ For ships covered by the tonnage measurement interim scheme adopted by the IMO, the gross tonnage is that which is included in the REMARKS column of the International Tonnage Certificate (1969). See Article II(1)(c) of the Convention.

² *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 organizations or persons fulfil certain of the duties or responsibilities on behalf of the shipowner. See Article II(1)(j) of the Convention.



REPUBLIC of SAN MARINO
MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

This is to certify:

1. That this ship has been inspected and verified to be in compliance with the requirements of the Convention, and the provisions of the attached Declaration of Maritime Labour Compliance.

2. That the seafarers' working and living conditions specified in Appendix A5-I of the Convention were found to correspond to the abovementioned country's national requirements implementing the Convention. These national requirements are summarized in the Declaration of Maritime Labour Compliance, Part I.

This Certificate is valid until subject to inspections in accordance with Standards A5.1.3 and A5.1.4 of the Convention.

This Certificate is valid only when the Declaration of Maritime Labour Compliance issued

at on is attached.

Completion date of the inspection on which this Certificate is based was

Issued at on

Signature of the duly authorized official issuing the Certificate

(Seal or stamp of issuing authority, as appropriate)

Endorsements for mandatory intermediate inspection and, if required, any additional inspection

This is to certify that the ship was inspected in accordance with Standards A5.1.3 and A5.1.4 of the Convention and that the seafarers' working and living conditions specified in Appendix A5-I of the Convention were found to correspond to the abovementioned country's national requirements implementing the Convention.

Intermediate inspection:

(to be completed between the second and third anniversary dates)

Signed:

(Signature of authorized official)

.....

Place:

Date:

(Seal or stamp of the authority,
as appropriate)

Additional endorsements (if required)

This is to certify that the ship was the subject of an additional inspection for the purpose of verifying that the ship continued to be in compliance with the national requirements implementing the Convention, as required by Standard A3.1, paragraph 3, of the Convention (re-registration or substantial alteration of accommodation) or for other reasons.



REPUBLIC of SAN MARINO
MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

Appendix A5-II

Additional inspection:
(if required)

Signed:
(Signature of authorized official)

Place:

Date:
(Seal or stamp of the authority,
as appropriate)

Additional inspection:
(if required)

Signed:
(Signature of authorized official)

Place:

Date:
(Seal or stamp of the authority,
as appropriate)

Additional inspection:
(if required)

Signed:
(Signature of authorized official)

Place:

Date:
(Seal or stamp of the authority,
as appropriate)

Extension after renewal inspection (if required)

This is to certify that, following a renewal inspection, the ship was found to continue to be in compliance with national laws and regulations or other measures implementing the requirements of the Convention, and that the present certificate is hereby extended, in accordance with paragraph 4 of Standard A5.1.3, until
(not more than five months after the expiry date of the existing certificate) to allow for the new certificate to be issued to and made available on board the ship.

Completion date of the renewal inspection on which this extension is based was:

.....

Signed:
(Signature of authorized official)

Place:

Date:
(Seal or stamp of the authority,
as appropriate)



REPUBLIC of SAN MARINO
MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

Maritime Labour Convention, 2006

Declaration of Maritime Labour Compliance – Part I

*(Note: This Declaration must be attached
to the ship's Maritime Labour Certificate)*

Issued under the authority of: *(insert name of competent
authority as defined in Article II, paragraph 1(a), of the Convention)*

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

Name of ship	IMO number	Gross tonnage

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> <in the section provided for this purpose below> *(strike out the statement which is not applicable)*;
 - (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.

- 1. Minimum age (Regulation 1.1)
- 2. Medical certification (Regulation 1.2)
- 3. Qualifications of seafarers (Regulation 1.3)
- 4. Seafarers' employment agreements (Regulation 2.1)
- 5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)
- 6. Hours of work or rest (Regulation 2.3)
- 7. Manning levels for the ship (Regulation 2.7)
- 8. Accommodation (Regulation 3.1)
- 9. On-board recreational facilities (Regulation 3.1)
- 10. Food and catering (Regulation 3.2)
- 11. Health and safety and accident prevention (Regulation 4.3)
- 12. On-board medical care (Regulation 4.1)
- 13. On-board complaint procedures (Regulation 5.1.5)
- 14. Payment of wages (Regulation 2.2)
- 15. Financial security for repatriation (Regulation 2.5).....
- 16. Financial security relating to shipowners' liability (Regulation 4.2).....



REPUBLIC of SAN MARINO
MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

Name:

Title:

Signature:

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Substantial equivalencies

(Note: Strike out the statement which is not applicable)

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)*:

.....
.....

No equivalency has been granted.

Name:

Title:

Signature:

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Exemptions

(Note: Strike out the statement which is not applicable)

The following exemptions granted by the competent authority as provided in Title 3 of the Convention are noted:

.....
.....

No exemption has been granted.

Name:

Title:

Signature:

Place:

Date:

(Seal or stamp of the authority, as appropriate)



REPUBLIC of SAN MARINO
MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

Declaration of Maritime Labour Compliance – Part II

*Measures adopted to ensure ongoing compliance
between inspections*

The following measures have been drawn up by the shipowner, named in the Maritime Labour Certificate to which this Declaration is attached, to ensure ongoing compliance between inspections:

(State below the measures drawn up to ensure compliance with each of the items in Part I)

- | | | |
|-------|--|--------------------------|
| 1. | Minimum age (Regulation 1.1) | <input type="checkbox"/> |
| | | |
| 2. | Medical certification (Regulation 1.2) | <input type="checkbox"/> |
| | | |
| 3. | Qualifications of seafarers (Regulation 1.3) | <input type="checkbox"/> |
| | | |
| 4. | Seafarers' employment agreements (Regulation 2.1) | <input type="checkbox"/> |
| | | |
| 5. | Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4) | <input type="checkbox"/> |
| | | |
| 6. | Hours of work or rest (Regulation 2.3) | <input type="checkbox"/> |
| | | |
| 7. | Manning levels for the ship (Regulation 2.7) | <input type="checkbox"/> |
| | | |
| 8. | Accommodation (Regulation 3.1) | <input type="checkbox"/> |
| | | |
| 9. | On-board recreational facilities (Regulation 3.1) | <input type="checkbox"/> |
| | | |
| 10. | Food and catering (Regulation 3.2) | <input type="checkbox"/> |
| | | |
| 11. | Health and safety and accident prevention (Regulation 4.3) | <input type="checkbox"/> |
| | | |
| 12. | On-board medical care (Regulation 4.1) | <input type="checkbox"/> |
| | | |
| 13. | On-board complaint procedures (Regulation 5.1.5) | <input type="checkbox"/> |
| | | |



REPUBLIC of SAN MARINO
MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

14. Payment of wages (Regulation 2.2) ☐
-
15. Financial security for repatriation (Regulation 2.5) ☐
-
16. Financial security relating to shipowners' liability (Regulation 4.2) ☐
-



REPUBLIC of SAN MARINO
MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

I hereby certify that the above measures have been drawn up to ensure ongoing compliance, between inspections, with the requirements listed in Part I.

Name of shipowner:¹

.....

Company address:

.....

Name of the authorized signatory:

.....

Title:

Signature of the authorized signatory:

.....

Date:

(Stamp or seal of the shipowner¹)

The above measures have been reviewed by (*insert name of competent authority or duly recognized organization*) and, following inspection of the ship, have been determined as meeting the purposes set out under Standard A5.1.3, paragraph 10(b), regarding measures to ensure initial and ongoing compliance with the requirements set out in Part I of this Declaration.

Name:

Title:

Address:

.....

.....

Signature:

Place:

Date:

(Seal or stamp of the authority,
as appropriate)

¹ *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 organizations or persons fulfil certain of the duties or responsibilities on behalf of the shipowner. See Article II(1)(j) of the Convention.



REPUBLIC of SAN MARINO
MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

Interim Maritime Labour Certificate

Issued under the provisions of Article V and Title 5 of the
Maritime Labour Convention, 2006
(referred to below as "the Convention")
under the authority of the Government of:

.....
(full designation of the State whose flag the ship is entitled to fly)

by

(full designation and address of the competent authority or recognized organization
duly authorized under the provisions of the Convention)

Particulars of the ship

Name of ship

Distinctive number or letters

Port of registry

Date of registry

Gross tonnage¹

IMO number

Type of ship

Name and address of the shipowner²

.....
This is to certify, for the purposes of Standard A5.1.3, paragraph 7, of the Convention,
that:

- (a) this ship has been inspected, as far as reasonable and practicable, for the matters listed in Appendix A5-I to the Convention, taking into account verification of items under (b), (c) and (d) below;
- (b) the shipowner has demonstrated to the competent authority or recognized organization that the ship has adequate procedures to comply with the Convention;
- (c) the master is familiar with the requirements of the Convention and the responsibilities for implementation; and
- (d) relevant information has been submitted to the competent authority or recognized organization to produce a Declaration of Maritime Labour Compliance.

¹ For ships covered by the tonnage measurement interim scheme adopted by the IMO, the gross tonnage is that which is included in the REMARKS column of the International Tonnage Certificate (1969). See Article II(1)(c) of the Convention.

² *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 organizations or persons fulfil certain of the duties or responsibilities on behalf of the shipowner. See Article II(1)(j) of the Convention.



REPUBLIC of SAN MARINO
MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

This Certificate is valid until subject to inspections in accordance
with Standards A5.1.3 and A5.1.4.

Completion date of the inspection referred to under (a) above was

Issued at on

Signature of the duly authorized official
issuing the interim certificate

(Seal or stamp of issuing authority, as appropriate)



REPUBLIC of SAN MARINO
MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

ANNEX II

Maritime Labour Convention, 2006
Declaration of Maritime Labour Compliance — Part I

(Note: This Declaration must be attached
to the ship's Maritime Labour Certificate)

Issued under the authority of the San Marino Maritime Authority, Republic of San Marino.

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

Name of Ship	IMO no.	Gross Tonnage

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 in the section for this purpose 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.

1. Minimum age (Regulation 1.1)

San Marino Policy Letter "Terms and Conditions for employment of seafarers under the Maritime Labour Convention (MLC), 2006"

San Marino Policy Letter "Hours of work and hours of rest"

Other than a ship's cook who shall be at least 18 years old, the minimum age allowed is 16-years for employment as seafarer. Night work is prohibited for seafarers under age 18. Exceptions are provided to night work for seafarers under age 18. Night is defined as a period of at least nine (9) consecutive hours starting at 2100 (9:00 p.m.) and ending no earlier than 0600 (6:00 a.m.), which period shall be specified in the DMLC Part II. The employment, engagement or work of seafarers under age 18 is prohibited where the work is likely to jeopardize their health or safety. See also San Marino Policy Letter "Health and safety protection, accident prevention, medical care, welfare and social security protection of seafarers under the Maritime Labour Convention (MLC), 2006" which provides the detail of such work that is likely to jeopardize their health or safety.



REPUBLIC of SAN MARINO
MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

2. Medical certification (Regulation 1.2)

San Marino Policy Letter "Terms and Conditions for employment of seafarers under the Maritime Labour Convention (MLC), 2006"

All seafarers are required to always possess a "Fit for Duty" Physical Examination Form completed by a (duly qualified) physician/ medical practitioner licensed/certificated in the place of examination, and/or who is recognized by the Competent Authority at the place of examination for the issuance of seafarer's medical certification, and such medical form with required information indicated in cited Policy Letter should be issued within the past two years of signing the shipping articles. However, for seafarers under the age of 18, the maximum period of validity of the certificate shall be one (1) year. In urgent cases a seafarer may be permitted to work without a valid medical for a period of not more than three (3) months (in accordance with Standard A1.2.8(b)), until the next port of call where the seafarer can obtain a medical certificate, provided that the seafarer concerned is in possession of an expired medical certificate of recent date but not to exceed ninety (90) days from the date of expiry of the said medical certificate that is in the seafarer's possession. The medical certificate must be provided in the English Language in addition to any other language. In accordance with treaty obligation, the San Marino Administration also accepts medical certificates issued in accordance with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), as amended.

3. Qualifications of seafarers (Regulation 1.3)

San Marino Policy Letter "Terms and Conditions for employment of seafarers under the Maritime Labour Convention (MLC), 2006"

San Marino Policy Letter "Principles of Minimum Safe Manning"

Standards for training and certification requirement for seafarers employed on board of San Marino registered ships are stated in the above cited documents.

4. Seafarers' employment agreements (Regulation 2.1)

San Marino Policy Letter "Terms and Conditions for employment of seafarers under the Maritime Labour Convention (MLC), 2006"

a) A seafarers' employment agreement is a legally enforceable agreement setting out the terms and conditions for employment of a seafarer and includes both the contract of employment and the articles of agreement and may incorporate any applicable collective bargaining agreement ("CBA").

Prior to commencing work on a San Marino registered ship, every seafarer shall have a seafarers' employment agreement signed by both the seafarer and the shipowner or a representative of the shipowner, 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 as per MLC2006 provisions. The shipowner and seafarer concerned shall each have a signed original of the seafarers' employment agreement.

b) San Marino provides that the seafarers shall be given an opportunity to review and seek advice on the agreement, including any collective bargaining agreement (CBA) that forms part of the employment agreement, before signing, to ensure that they have freely entered into the agreement with a sufficient understanding of their rights and responsibilities. The ship owner and the seafarer shall each have a signed original of the employment agreement.



REPUBLIC of SAN MARINO MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

c) The cited Policy Letter provides for termination of the SEA at a shorter notice or without notice in accordance with Standard A2.1.6, while also ensuring that seafarer's employment agreements shall continue to have effect while a seafarer is held captive on or off the ship as a result of acts of piracy or armed robbery against ships. The cited Policy Letter also provides the minimum particulars to be included in the SEA.

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

San Marino Policy Letter "Terms and Conditions for employment of seafarers under the Maritime Labour Convention (MLC), 2006"

The cited Policy Letter provides for recruitment and placement. It provides for seafarer's access to efficient, adequate and accountable system for finding employment on board ship without charge to the seafarer. It also provide that ship owners who use seafarer's recruitment and placement services that are based in countries or territories in which MLC-2006 does not apply are required to ensure that those services conform to the standards set out in A1.4. The cited Policy Letter provides guidelines for auditing of those seafarers' recruitment and placement services

6. Hours of work or rest (Regulation 2.3)

San Marino Policy Letter "Hours of work and hours of rest"

- a. Rest periods must follow the provision reflecting the minimum seventy-seven (77) hours in any seven-day period including the conditions in Standard A2.3.10 and Standard A2.1.11; Interval between consecutive hours of rest cannot be more than fourteen (14) hours. The cited document includes Annexes reflecting the San Marino standardize format (or use IMO/ILO form) for the table of shipboard working arrangement for posting and the record of work hours/rest periods, a copy of which is required to be signed/endorsed by the Master/ship owners' representative or a person authorized by the Master, and by the seafarer. A copy must be provided to the seafarer. Other forms of record keeping may be accepted provided the required information is included. By the foregoing, the Administration has adopted the minimum hours of rest standard.
- b. Provisions are set for the Collective Agreement exception to hours of rest in Standard A2.3.13 and for Emergency in Standard A2.3.14. Guidelines are also provided for hours of work and rest for young seafarers under the age of 18 years.
- c. Provisions are made for seafarer vacation allowance/paid holiday per year, and annual leave with pay calculated on the basis of a minimum of 2.5 calendar days per month employment as required by Standard A2.4.2.

7. Manning levels for the ship (Regulation 2.7)

San Marino Policy Letter "Principles of Minimum Safe Manning"

- a. San Marino requires that vessel flying its Flag shall not be navigated unless it has in its service and on board such complement of officers and crew as is necessary for safe navigation, and with due regards to security.
- b. San Marino provides the specific detail manning requirements including minimum number of deck officers, minimum number of engineers, minimum number of ratings of crew and certificated persons proficient in survival craft. A Minimum Safe Manning Certificate (MSMC) is issued to each San Marino flag vessel. Provisions to ensure sufficient rest and limit fatigue of seafarers consistent with relevant IMO guidance are made as par. no. 5.



**REPUBLIC of SAN MARINO
MARITIME AUTHORITY**

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

8. Accommodation (Regulation 3.1)

San Marino Policy Letter "Standards of accommodation, recreational facilities, food, water and catering under the Maritime Labour Convention (MLC), 2006"

Consistent with ILO Convention 92 and Convention 133, the cited Policy Letter provides for specific detail requirement for ships constructed on/or after MLC 2006 enters into force and consistent with the requirements of Standard A3.1 and Guideline 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.

In accordance with the cited Policy Letter certain exemptions may be provided to certain ships. Frequency of documented inspections of accommodation are foreseen and records to be maintained.

9. On-board recreational facilities (Regulation 3.1)

San Marino Policy Letter "Standards of accommodation, recreational facilities, food, water and catering under the Maritime Labour Convention (MLC), 2006"

The cited document provides for specific detail requirements for appropriate recreational facilities.

10. Food and catering (Regulation 3.2)

San Marino Policy Letter "Standards of accommodation, recreational facilities, food, water and catering under the Maritime Labour Convention (MLC), 2006"

- a. The cited Policy Letter requires to be maintained on board San Marino flag ships a sufficient supply of drinking water, and of food of suitably nutritive quality and variety taking due regard of the number of seafarers on board, their religious requirements, custom and habit (cultural practices), and which shall be properly and hygienically prepared, dispensed and served at no cost to the seafarers.
- b. Seafarers employed as cooks on board San Marino registered ships are required to have completed a training course or program approved or recognized by the Administration as outlined in Standard A3.2.4. Catering staff shall be properly trained or instructed for their position. Ship owners shall ensure that seafarers, who are engaged as ships' cooks are trained, qualified and found competent for the position.
- c. On board inspection of food quality and drinking water supply and related accessories in accordance with the cited Policy Letter are foreseen and records shall be maintained.

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

San Marino Policy Letter "Health and safety protection, accident prevention, medical care, welfare and social security protection of seafarers under the Maritime Labour Convention (MLC), 2006"

- a. In respect to accident prevention for the management of occupational safety and health on board, the cited Policy Letter requires the Master of each vessel to appoint from amongst the crew a suitable person and a committee responsible for accident prevention, and such person or committee shall in addition to any other duties assigned by the Master ensure that any conditions aboard the vessel not in substantial compliance with the applicable provisions of the accident prevention code including the ILO code of practice entitled Accident prevention on board ship at sea and in port are brought to the prompt attention of the Master.



REPUBLIC of SAN MARINO
MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

- b. The cited Policy Letter requires elements set forth in Standard A4.3 and identifies hazardous work for young seafarers under 18 years of age.
- c. The cited Policy Letter requires inspection, reporting and correction of unsafe conditions of occupational accidents on board which shall be investigated.

12. On-board medical care (Regulation 4.1)

San Marino Policy Letter "Health and safety protection, accident prevention, medical care, welfare and social security protection of seafarers under the Maritime Labour Convention (MLC), 2006"

- a. In accordance with Standard A4.1.2, the Administration has adopted a standard medical report forms for use by the Ships' Masters and relevant onshore and onboard medical personnel. A copy of the forms which can be found in the Annex to the current WHO International Medical Guide for Ships. The form, when completed and its contents shall be kept confidential and shall only be used to facilitate the treatment of seafarers and shall be submitted to the Administration as part of the report. A medical log record shall be maintained.
- b. San Marino requires that Seafarers on San Marino flag ships shall have access to prompt and adequate medical care whilst working on board, and such medical care be provided by the ship owner at no cost to the seafarers.
- c. The cited Policy Letter requires that every San Marino vessel shall carry and maintain an adequate medicine chest bearing in mind the number of persons aboard and the nature and duration of the voyage. In the determination of the contents of the chest consideration shall be given to the recommendations of the International Labour Organization/WHO International Medical Guide for Ships
- d. Seafarers designated to provide medical first aid or designated to take charge of medical care shall meet the standard of competence respectively specified in the applicable sections of the International Convention on Standards of Training, Certification and Watch keeping, 1978, as amended. The cited Policy Letter also requires certain publications to be carried on board to assist in providing medical care and obtaining medical advice.
- e. The cited Policy Letter ensures that ship owners are liable to bear the costs for seafarers working on their ships in respect of health, medical protection, medical care, 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

13. On-board complaint procedures (Regulation 5.1.5)

San Marino Policy Letter "MLC Complaint Procedure"

On board complaint procedures is contained in the cited Policy Letter including the implementation of Guideline B5.1.5.1(e) requiring that all complaints and the decisions on them shall be recorded and a copy provided to the seafarer concerned.

14. Payment of wages (Regulation 2.2)

San Marino Policy Letter "Terms and Conditions for employment of seafarers under the Maritime Labour Convention (MLC), 2006"

- a. Wages shall commence on the day specified and agreed to in the SEA or stated in the CBA or at the time of presence on board the vessel for the purpose of commencing work, whichever first occurs, and shall terminate on the day of discharge or termination as agreed being the repatriation shipowner responsibility and cost. Any applicable CBA may determine seafarers' normal working hours. Hours worked in excess of the normal working hours shall be considered overtime. The rate of compensation for overtime should not be less than one-and



REPUBLIC of SAN MARINO
MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

one-quarter (1-1/4) times the basic wage per hour. The wage due or the formula for its calculation shall be clearly indicated in the SEA. Minimum hours of rest must be granted.

- b. Time of Payment. - In the absence of any agreement to the contrary the ship owner or the Master of the vessel shall pay to every seafarer his wages within two days after the termination or at the time when the seafarer is discharged, whichever is first. The cited Policy letter provides for electronic transfer of wages and for proper accounting statement for the seafarer.
- c. Entitlement. - A seafarer is entitled to receive in local currency or currency agreed to in the Employment Agreement, on demand, from the Master his wages actually earned less any valid deduction and payable at every intermediate port where the vessel shall load or deliver cargo before the voyage is ended, but not more than once in any fifteen-day period. Seafarers shall be paid in full at no greater than monthly intervals in accordance with their employment agreements. Wages and other entitlements shall continue to be paid in full during the entire period a seafarer is held captive on or off the ship as a result of acts of piracy or armed robbery against ships. Seafarers shall be given a monthly account of the payment due and the amounts paid, including wages, any additional payments and the rate of exchange used, if applicable.
- d. Account. - Every Master shall deliver to the seafarer, before paying off, a full and true account of his wages and all deductions to be made there from on any account whatsoever, and in default shall, for each offense, be liable to a penalty of not more than US\$500.
- e. wages shall commence no later than the day specified and agreed to in the SEA or at a time of presence on board for the purpose of commencing work, whichever first occurs, and shall terminate on the day of discharge or as otherwise disposed by the CBA.
- f. Standard A2.2 (2) requires monthly accounting of payments and calculation of overtime wages consistent with Guideline B2.2.2(c)
- g. It shall be lawful for the Master and any seafarer to agree that an allotment of all or portion of the seafarer's earnings, at regular intervals, may be payable to a spouse, children, grandchildren, parents, grandparents, brothers or sisters or person(s) nominated by the seafarer, or to a bank account in the name of the seafarer.

15. Financial security for repatriation (Regulation 2.5)

San Marino Policy Letter "Terms and Conditions for employment of seafarers under the Maritime Labour Convention (MLC), 2006"

- a. San Marino requires that each owner of a San Marino registered vessel to maintain at all times satisfactory third-party liability insurance as described in the cited Policy Letter and covering. Proof of valid insurance shall be provided annually to the Administration.
- b. The cited Policy Letter requires shipowners to maintain financial security to ensure that seafarers are duly repatriated in the event of their abandonment. The financial security shall provide direct access, sufficient coverage and expedited financial assistance to any abandoned seafarer.
- c. Beginning 18 January 2017, ships shall carry on board a certificate or other documentary evidence of financial security issued by a financial security provider acceptable to the Administration. A copy shall be posted in a conspicuous place on board where it is available to seafarers. When more than one financial security provider provides cover, the document provided by each provider shall be carried on board.
- d. The certificate or other documentary evidence of financial security shall contain the information required in Appendix A2-I of MLC, 2006 as also detailed in the cited Policy Letter. It shall be in English or accompanied by an English translation.
- e. The cited Policy Letter requires that assistance provided by the financial security provider shall be granted promptly upon request made by the seafarer or the seafarers' nominated representative and supported by the necessary justification of entitlement in accordance with the cited Policy Letter. If time is needed to check the validity of certain aspects of the request of the seafarer or the seafarer's nominated representative, this should



REPUBLIC of SAN MARINO
MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

not prevent the seafarer from immediately receiving such part of the assistance requested as is recognized as justified.

- f. The cited Policy Letter provide details on the assistance required to be covered and provided to a seafarer by the financial security provider.
- g. 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 Administration.

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

San Marino Policy Letter "Health and safety protection, accident prevention, medical care, welfare and social security protection of seafarers under the Maritime Labour Convention (MLC), 2006"

- a. San Marino requires means for compensation to seafarers and requires the shipowner or his representative to provide evidence of financial security to assure compensation to seafarers for long-term disability due to an occupational injury, illness or hazard in pursuant to the provisions of a Collective Bargaining Agreement applicable to the seafarer or directly specified in the SEA. The system of financial security, as provided for in Standard A4.2.1, paragraph 1(b), may be in the form of a social security scheme or insurance or fund or other similar arrangements.
- b. San Marino requires direct compensation to seafarers by the shipowner for loss of life pursuant to an actual mission assigned to the seafarer by, or by the authority of the Master. Additionally, and consistent with Regulation 4.2, paragraph 2 of MLC, 2006, San Marino also requires that the seafarers' personal representative to maintain a suit for damages, for the exclusive benefit of the deceased seafarers' wife, husband, parent, child or dependent relative, against the vessel, person or corporation, which would have been liable if death had not ensued.
- c. The cited Policy Letter requires that the contractual compensation, as set out in the seafarers' employment agreement and without prejudice to all other provisions, shall be paid in full and without delay.
- d. The cited Policy Letter sets out the shipowners' obligation and describe the means by which a shipowner shall provide seafarers a benefit of direct compensation for loss of life and long-term disability due to occupational injury or illness or hazard.
- e. The cited Policy Letter requires the shipowner to provide the Administration with evidence of 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.
- f. In accordance with Regulation 4.2, paragraph 2 of MLC, 2006, the seafarer shall receive payment without prejudice to other legal rights, but such payment may be offset by the shipowner against any damages resulting from any other claim made by the seafarer against the shipowner and arising from the same incident.
- g. The cited Policy Letter requires that the seafarer shall not be pressurized into accepting a payment less than the contractual amount and allows for an interim payment, where the nature of the long-term disability of the seafarer makes it difficult to assess the full compensation to which the seafarer may be entitled and provides for the claim for contractual compensation to be brought directly by the seafarer concerned, of their next of kin, or a representative of the seafarer or designated beneficiary.
- h. Beginning 18 January 2017, each ship shall carry on board a certificate or other documentary evidence of financial security issued by the financial security provider acceptable to the Administration. A copy shall be posted in a conspicuous place on board where it is available to the seafarers. Where more than one financial security provider provides cover, the document provided by each provider shall be carried on board.
- i. The certificate or other documentary evidence of financial security shall contain the information required in Appendix A4-I of MLC, 2006 and as described in the cited Policy Letter Annex I. It shall be in English or accompanied by an English translation.



REPUBLIC of SAN MARINO
MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

- j. 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, and it 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 Administration.
- k. Seafarers shall receive prior notification and the Office of the Deputy Commissioner shall be notified by the provider of the financial security, if a shipowner's financial security is cancelled or terminated.
- l. Parties to the payment of a contractual claim may use the Model Receipt and Release Form set out in Appendix B4-I of MLC, 2006 and as described in the cited Policy Letter Annex II
The system of financial security, as provided for in Standard A4.2.1, paragraph 1(b), may be in the form of a social security scheme or insurance or fund or other similar arrangements as detailed in the CBA or in the SEA.

Name

Title

Signature:

Place:

Date:

(Seal or stamp of the authority,
as appropriate)

Substantial equivalencies



REPUBLIC of SAN MARINO
MARITIME AUTHORITY

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

(Note: Strike out the statement which is not applicable)

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):

No Equivalency has been granted.

Name:

Title:

Signature:

Place:

Date:

(Seal or stamp of the authority,
as appropriate)

Exemptions

(Note: Strike out the statement which is not applicable)

The following exemptions granted by the competent authority as provided in Title 3 of the Convention are noted:

No Exemption has been granted.

Name:

Title:

Signature:

Place:

Date:

(Seal or stamp of the authority,
as appropriate)