



ITALIAN COAST GUARD – SAFETY NAVIGATION DEPARTMENT

La Convenzione MLC, 2006: Impatti e primi feedback

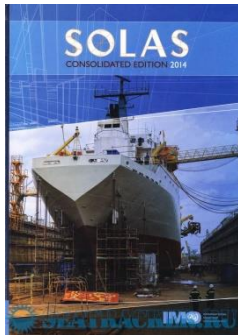


Napoli, 28 settembre 2018

FOUR PILLARS

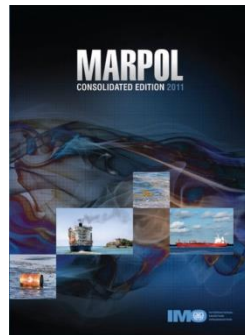


SOLAS



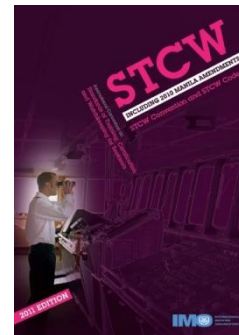
Safety/Security

MARPOL



Environment

STCW



Seafareres

MLC,2006



Living/Working
Condition



MLC, 2006 & Italian Coast Guard



Flag State Control

Law 23.9.2013 No. 113



Port State Control

Legislative Decree

15.2.2016 No. 32



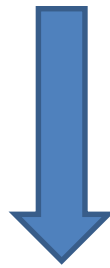
~~ROs Recognition~~

~~Regulation 5.1.1 para 3 & 5.1.2~~



Reg. 5.1.1 states that, it is
“Responsibility of each member State”

Fully implement & enforce **the Convention**



- Law 23.9.2013 No. 113 (MLC,2006 Ratification act);
- Legislative Decree 15.2.2016 No. 32 (Directive 2013/54/EU - Transposition);
- Executive Decree 17.6.2013 No. 13 and related Guidelines.



Implementation through.....

- ✓ **National Legal Framework**; and
- ✓ Convention.



Because:

1. National Determination;
2. Substantial Equivalence;
3. Exemptions.





INSPECTION AND CERTIFICATION PROCESS

ALL SHIPS covered by the MLC, 2006

are subject to inspection

MLC,2006: Article II para 4 & 1 (i); Regulation 5.1.4 para 1 & A5.1.4 para 4

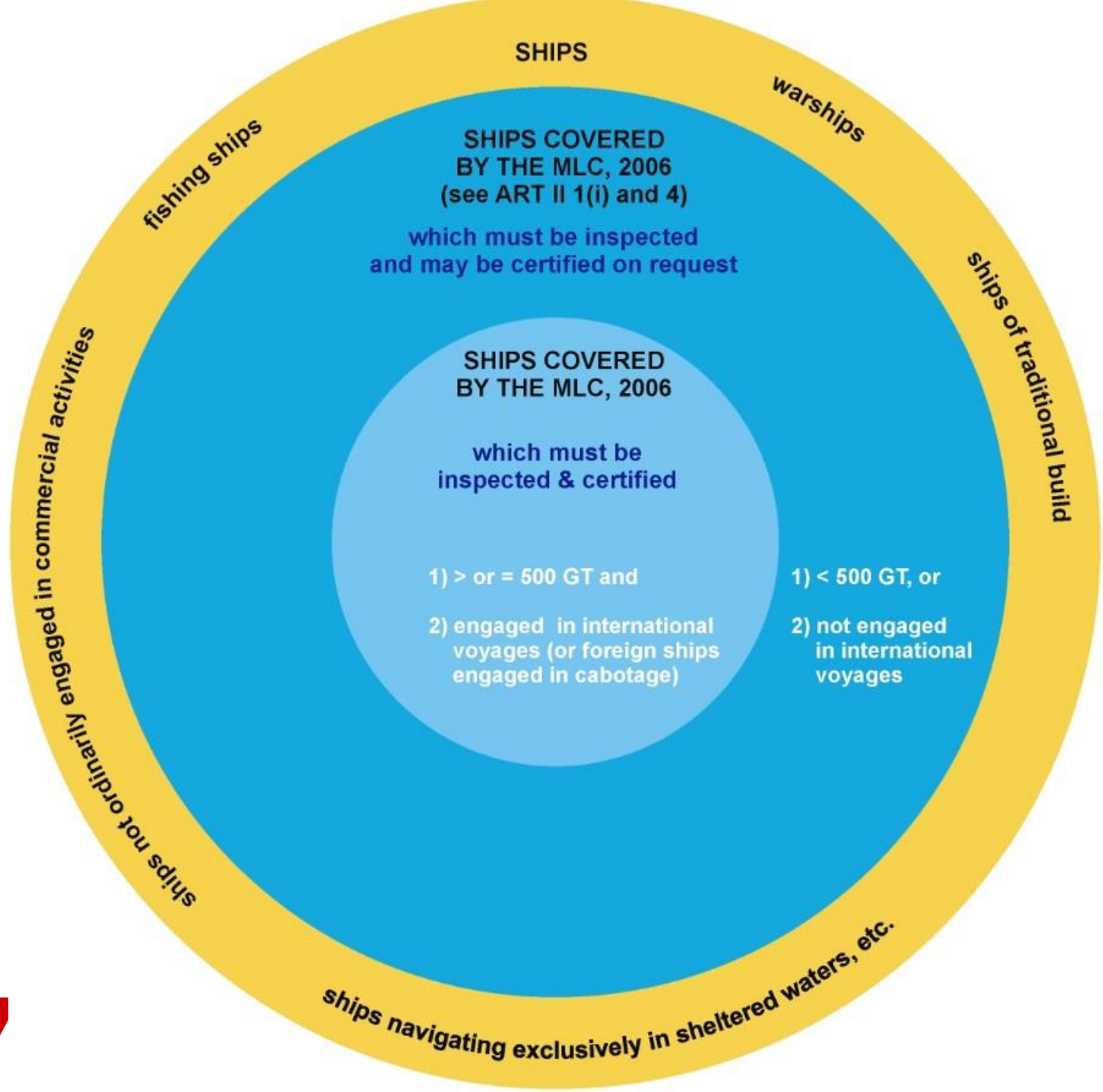
Legislative Decree No. 32/2016 articles 4 and 6

Only some ships will be certified

Regulation 5.1.3 para 1

Legislative Decree No. 32/2016 articles 4 , 6 and 8





Satisfactory Inspection

1. All the relevant requirement of the convention must be inspected

INSPECTION

.....but

2. The relevant national authorities implementing the requirements of the MLC, 2006 in the **16 areas must be certified**, for some ships

Passed

Failed

Any inspection is a SAMPLING PROCESS



**In case
of.....**



COMPLAINT					
TO:			HOUR	MINUTE	SECOND
WHOSE FAULT:			MONTH	DAY	YEAR
<input type="checkbox"/> MINE			<input type="checkbox"/> OURS		
<input type="checkbox"/> YOURS			<input type="checkbox"/> OTHER:		
DESIRED OUTCOME:			<input type="checkbox"/> APLOGY		
<input type="checkbox"/> EXPLANATION			<input type="checkbox"/> LITIGATION		
<input type="checkbox"/> PROMOTION			<input type="checkbox"/> RESTITUTION		
<input type="checkbox"/> CHANGE					
COMPLAINANT:					
<input type="checkbox"/> ANONYMOUS					

On-board complaint procedure

And

Onshore complaint procedure

**Regulation 5.1.5 - Regulation 5.2.2
Standard A5.2.1 para 3
Legislative Decree No. 32/2016 Art. 9**



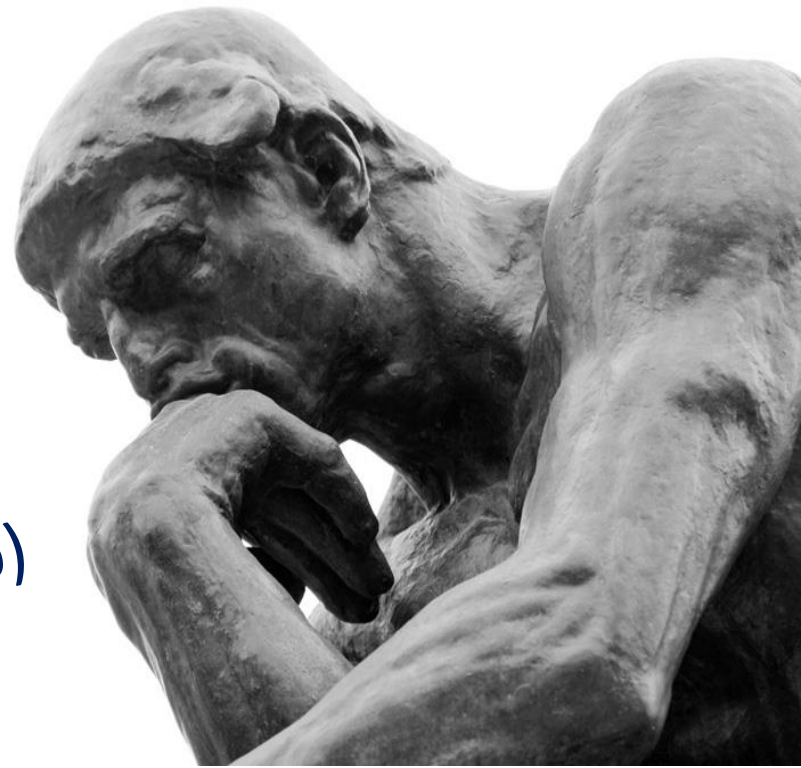
Deficiencies mean.....

Ship allowed to sail or not.....?

**All actions involve
professional**

Judgment

(Chapter 5 of Guidelines help)



Dear Sir,

the Italian Coast Guard Headquarters,

Having evidence of the application submitted by [REDACTED], dated [REDACTED]

Having regard to the medical report dated [REDACTED] issued by a medical practitioner in Port Hedland (Australia), stating that Mr. [REDACTED] is not fit to work and should be repatriated home for urgent and full assessment plus further management;

Having regard to the ship's minimum safe manning document issued by Italian Coast Guard Headquarters, No. [REDACTED] dated [REDACTED];

Having evidence of the ship's crew list;

Having regard to the following certification submitted by the Company related to Mr. [REDACTED]:

- Certificate of Completion issued by TRAM, No. [REDACTED] dated [REDACTED] on Food Hygiene and sanitation with HACCP;
- Certificate of Competency issued by Republic of Philippines – Department of Labour and Employment No. [REDACTED] dated [REDACTED] where it is reported he was assessed and he shown competence also, in preparing food and maintaining galley equipment & utensils (expiring date [REDACTED]);
- Instruction received by Mr. [REDACTED] (ship's Chief Cook medically not fit for work) on [REDACTED];

Having regard to the MLC,2006 - Standard A3.2 paragraph 6 (even if not yet ratified by the Italian Administration);

Having regard to Regulation V/14 of SOLAS'74 as amended;

GRANTS TO

M/v [REDACTED] – Italian Flag – IMO No. [REDACTED]

A dispensation to perform a single voyage from Port Hedland (Australia) to Fancheng (People's Republic of China):

- Having on board a non fully qualified cook;
- Without the messman.

At following conditions:

- The voyage shall be carried out within [REDACTED];
- The Master shall employ the existing crew in an appropriate manner in planning and executing a safe voyage;
- Inform the PSC Authority accordingly.

Rome, [REDACTED]

Signed by

Luigi GIARDINO



Look at SEAFARES.....



PRESENT

When you get signals after long time!



PAST

M/V " RAFAELA "

JEDDAH 14/7/75

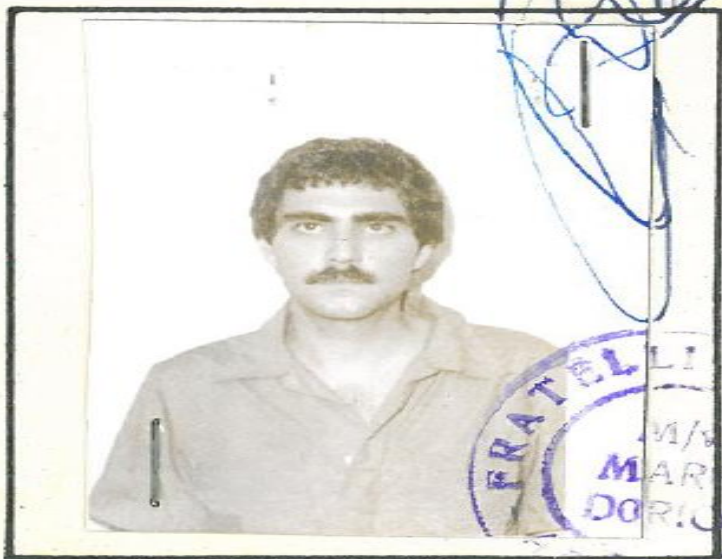
AVVISO

CAUSA SOSTA ANCORA LUNGA NELLA RADA DI JEDDAH AI FINI DELLA BUONA RIUSCITA DEL VIAGGIO, L'ACQUA SARA' EROGATA DALLE:

ORE 05 30_ ~~06 00~~ = 05 30 - 06 00
" 11 30 12 00 = 11 30 - 12 00
" 18 30 ~~19 00~~ = 18 30 - 19 00

PREGASI TUTTI AFFINCHÉ Venga consumata l'acqua solo quella indispensabile nell'interesse di tutti per evitare il razionamento in bugliuoli.

IL COMANDO



Estatura 1 m. 72 cent.
Height metres centimetres

Color de cabello CASTANI
Colour of hair

Nariz (chica, grande, regular, recta, Nose (small, large, regular, square,

etc.) REGULAR
etc.)

Color de ojos CASTANI
Colour of eyes

Color de piel ROSEO
Complexion

Señas particulares
Special marks

Impresiones digitales
Finger prints

Mano Derecha
Right hand



Mano Izquierda
Left hand





Hipólito Yrigoyen 1534 - 4° Piso
1089 BUENOS AIRES
Argentina

FICHA INDIVIDUAL IDENTITY CARD

No. 3
AS PER CREW LIST

Vapor MARE DORICO
Name of vessel
Compañía F. LLI d'AMICO ARMATORI ROMA
Company
Fecha del tripulante GIARDINO LUIGI
Full name of seaman
Nacionalidad ITALIAN
Nationality
Hijo de ANTONIO
Name of father
Estado civil NO MARRIED
Single or married

Fecha Nac. 7.6.58 años 25
Date of birth Years

y de CAROLINA
Name of mother
¿sabe leer? SI
Able to read? SI
¿sabe escribir? SI
Able to write? SI

Estatura 1 m 72 cent.
Height metres centimetres

Color de cabello CASTANI
Colour of hair

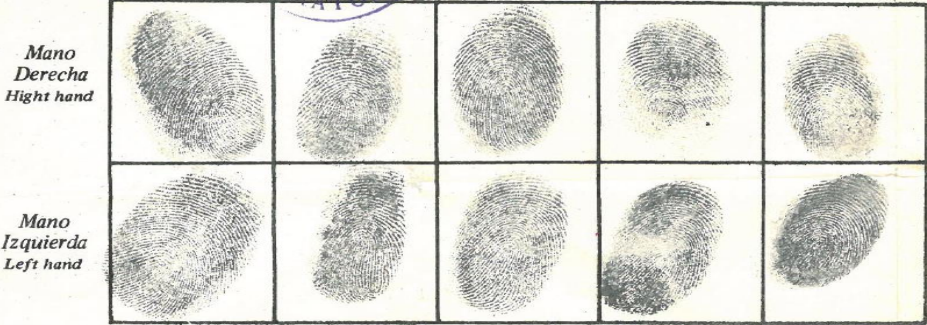
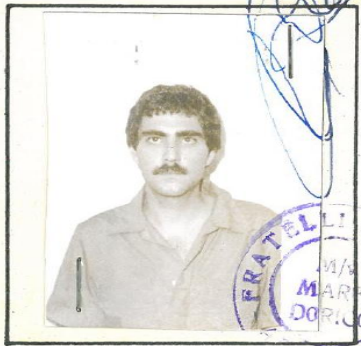
Nariz (chica, grande, regular, recta, etc.)
Nose (small, large, regular, square, etc.)

Color de ojos CASTANI
Colour of eyes

Color de piel ROSEO
Complexion

Señas particulares
Special marks

Impresiones digitales
Finger prints



Puesto que ocupa en el buque 2 MATE
Position occupied on board
Puerto en que se embarcó PORT SAID (EGITTO)
Port where signed on
Contratado por viaje (redondo)
Contracted for (Round voyage)
hasta el puerto de INDEF
To the port of o indefinidamente
Or indefinitely
Tiempo que navega 4 YCPTS.
Time seaman has been at sea
Posee libreta de navegación expedida por las autoridades marítimas de
Possesses a "Seamansbook" issued by the Marine Authorities of C/SEMBIA

Nación ITALIA
Country

Fecha 20/06/72
Date

Nº de Registro 8835
Number in the Ship Articles

Observaciones
Observations

Lugar y fecha ROSARIO, 25/01/83
Place and date



FIRMA DEL CAPITAN
Signature of Captain

FIRMA DEL TRIPULANTE
Signature of Crewmember

SELLO
Ship's Stamp

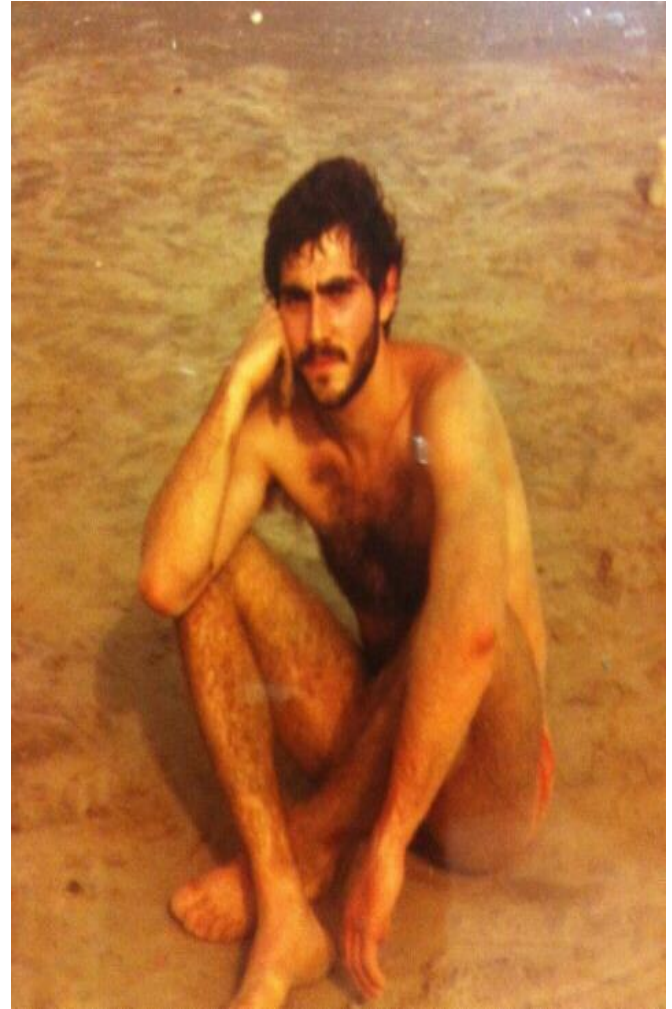


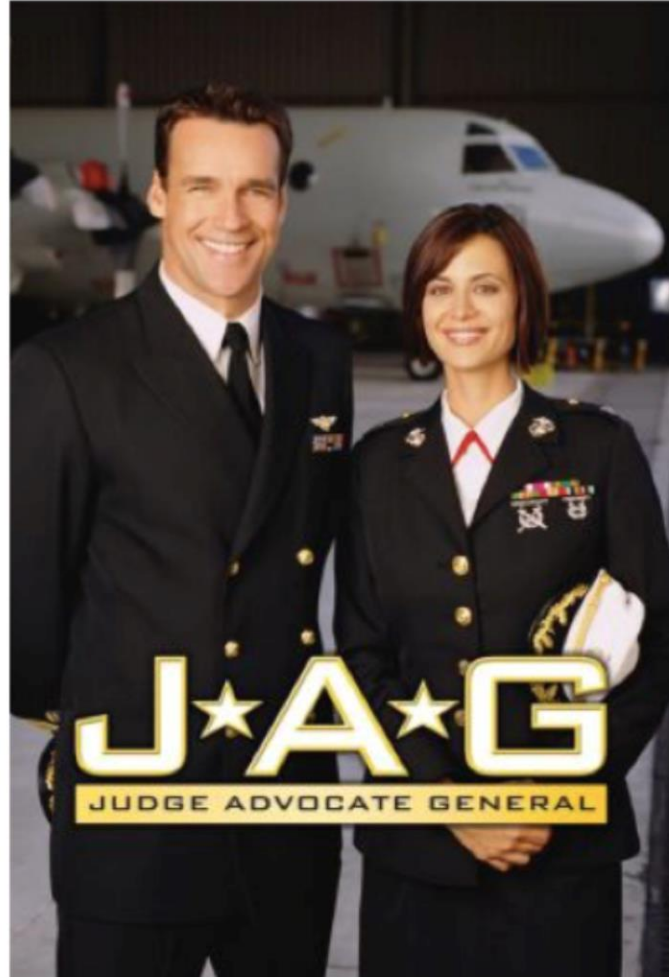


ON BOARD



ASHORE





GUIDANCE ON MAKING DETERMINATIONS

Standard A.5.1.4 para 15 and FSG para 116

All reasonable efforts
are to be made
to avoid unreasonably detained or delayed



??

From: GIARDINO Luigi (C.V.) [mailto:luigi.giardino@mit.gov.it]

Sent: Tuesday, [REDACTED] 11:54 PM

To: PSC Notification

Cc: [REDACTED]

Subject: M/v [REDACTED] IMO No. [REDACTED] Italian flag

??

Dear Sir,

??

With reference to the Port State Control inspection carried out by [REDACTED] at [REDACTED]

[REDACTED] on [REDACTED] (see Annex 1), on board on board M/v [REDACTED], please

consider the following:

??

Preliminary, we apologize for our late reply and appeal related to the inspection in reference; however we would like to draw your attention to the nature of the unique deficiency identified, by your good PSCO, as ground for detention.

??

In particular:

Deficiency 1.8203: Crew wages for May not paid full on time. Vessel unable to produce proof of full MLC payment of wages for May at the time of inspection.

Taking into account the MLC, 2006 Convention (Standard A.2.2 paragraph 1) we agree that the evidence found on board lead to a deficiency.

Nevertheless, it is the opinion of the Italian flag State Administration that the same deficiency cannot be considered "ground for detention" and, therefore, contribute to justify the ship's detention.

The position of this Administration is based on the following considerations:

----- ILO Guidelines for Port State Control Officers "at Chapter 5, point 5.2 of Examples of circumstances that may require retention of ship" at paragraph 98 last bullet says: "repeated cases of non-payment of wages for the non-payment of wages over significant period or the falsification of wages accounts or the

existence of more than one set of wages account (Standard A.2.2, paragraphs 2 and 2)" (see attachment).

The above clearly gives the evidence that the deficiency found (accepted by this Administration) does not match the principles established by ILO in order to identify "clear ground for detention"; in fact only some seafarers were not paid on time and just for one month;

----- furthermore it is considered important to highlight also that the inspection raised only another

deficiency for which Code 1.7 was assigned (total deficiencies only). It can be deduced from this objective evidence that ship has fair standard and this should be taken into consideration by the PSCO and your good Administration. -----

??

Taking into account the above, the deficiency found and comments given, the Italian Coast Guard - as

Italian flag State Administration - kindly request the [REDACTED] to reconsider the detention assigned to the captioned ship due to deficiency No. 2 under Code 1.8203 of the PSC inspection

reported at [REDACTED].

Luigi Giardino

[REDACTED]

Capt. (ITCG) Luigi GIARDINO

Italian Coast Guard Headquarters

Safety of Navigation Department

Chief of the Flag State Branch

Viale dell'Arte No. 162-00144 Rome

(Telephone: +390659084279)

Mobile: +393356650676

Fax: +390659084630

*Mail: luigi.giardino@mit.gov.it



Da: [REDACTED]
Inviato: giovedì [REDACTED] 02:35
A: GIARDINO Luigi (C.V.)
Cc: [REDACTED]
Oggetto: RE: M/v " [REDACTED] " IMO No. [REDACTED] - Italian Flag [SEC=UNCLASSIFIED:FOR-OFFICIAL-USE-ONLY]

Dear Captain Giardino,
I refer to your email of August 26th relating to the detention of the "[REDACTED]" for non-payment of crew wages. The attending Surveyor noted that the crew wages for May were not paid fully and on time and that there was no available evidence on board in regard to the payment of these wages.

Whilst this would appear to be symptomatic of a potential issue with on time payment of wages, [REDACTED] agrees that the evidence available at the time does not substantiate "repeated cases of non-payment of wages" as stated in the "ILO Guidelines for Port State Control Officers" and as such the deficiency did not establish grounds for detention.

In noting that there was sufficient evidence found to warrant a deficiency being issued, [REDACTED] **will remove the detention notification and record a code 17 against the vessel.**

Thank you again for your email.

Regards

[REDACTED]
PRINCIPAL MARINE SURVEYOR
SHIP INSPECTION & REGISTRATION
SHIP SAFETY DIVISION



Paris MoU



on Port State Control



Every foreign ship **MAY BE** subject to

a P.S.C. inspection (*V para 4 pg. 5 - 5.2.1*)

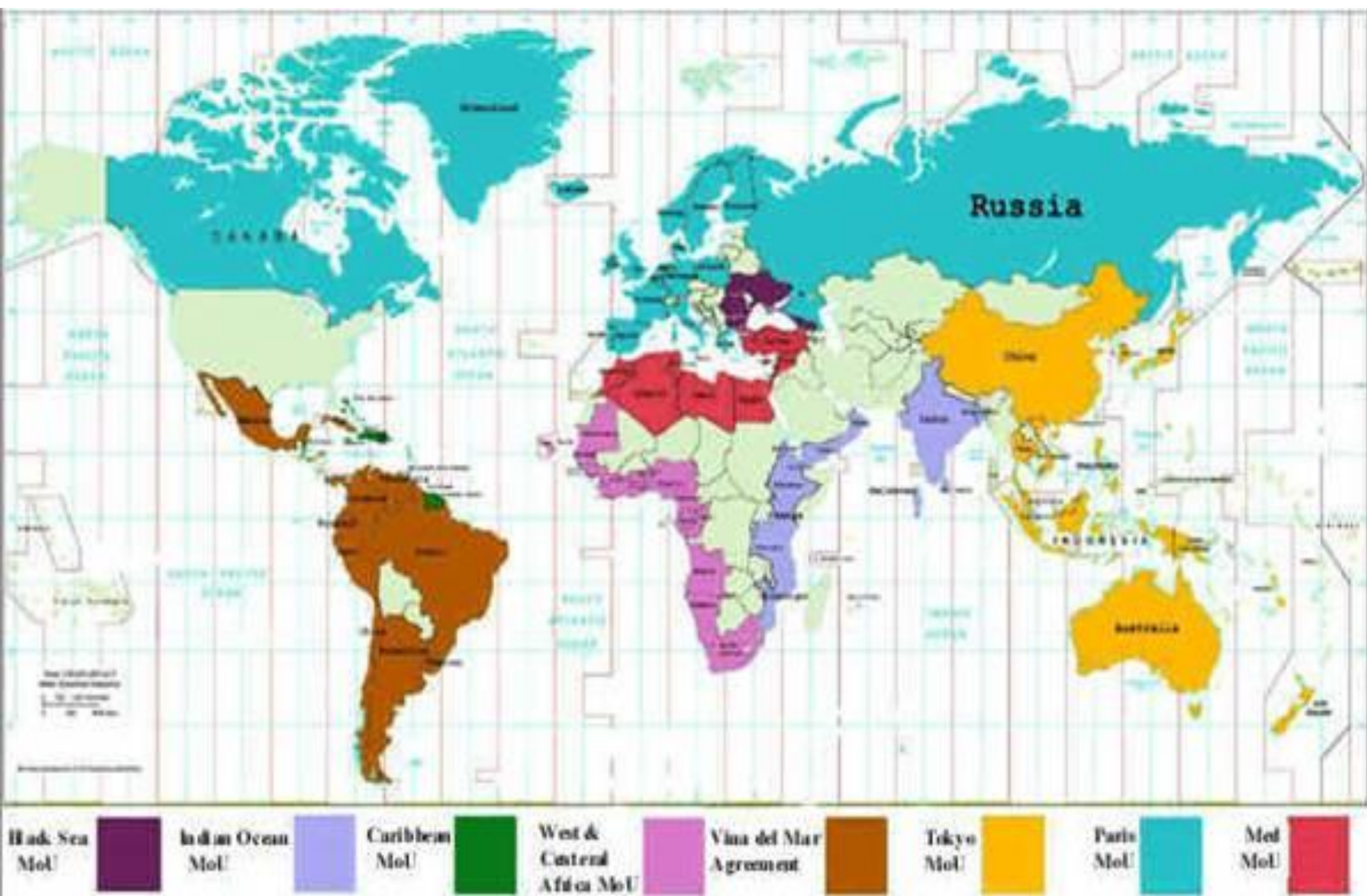
in **a port of a Member State** (*V para 4 pg. 5 - 5.2.1*)

because of

no more favourable treatment (*V para 7*).



PORT STATE CONTROL REGIONS



Inspection limited

REVIEW (5.2.1 para 2):

- Maritime Labour Certificate (Mlc); and
- Declaration of Maritime Labour Compliance (DMLC);

Prima facie evidence

Except in the circumstances specified in the Code





Standard A5.2.1

More Detailed Inspection

MAY be carried out

“Four cases provided”

MORE DETAILED INSPECTION SHALL BE

CARRIED OUT

A5.2.1 para1

clear hazard

or

serious breach requirements











DETENTION

(Standard A5.2.1 para 6)



Ship not conform:

- a) Condition are **clearly hazardous to safety, health or security** of seafarers; or

- b) Non conformity constitute a **serious or repeated breach** of the Convention requirements (including seafarers' rights).



Ship **CAN NOT SAIL** until:

- ❑ any non conformities have been **rectified**; or

- ❑ **plan of action**:
 - accepted by PSCO; and
 - implemented in an **expeditious manner**.





On MLC,2006

Annual Report 2017



MLC Deficiencies per Area	Nr MLC Deficiencies	% of Total of Nr. MLC deficiencies	Nr Detainable MLC Deficiencies	% of Detainable deficiencies of MLC deficiencies
MLC,2006 Ship's certificates and documents	269	3.4	17	6.3
Area 1 Minimum age of seafarers	4	0.1	2	50.0
Area 2 Medical certification of seafarers	182	2.3	11	6.0
Area 3 Qualifications of seafarers	15	0.2	0	0.0
Area 4 Seafarers' employment agreements	646	7.8	40	6.2
Area 5 Use of any licensed or certified or regulated private recruitment and placement service for seafarers	22	0.3	0	0.0
Area 6 Hours of Works or rest	752	9.5	32	4.3
Area 7 Manning levels for the ship	66	0.8	20	30.3
Area 8 Accommodation	708	8.9	47	6.6
Area 9 On-board recreational facilities	14	0.2	0	0.0
Area 10 Food and catering	1,295	16.3	57	4.4
Area 11 Health and safety and accident prevention	3,230	39.9	111	3.4
Area 12 On-board medical care	273	3.4	13	4.8
Area 13 On-board complaint procedure	161	2.0	4	2.5
Area 14 Payment of wages	194	2.3	64	33.0
Area 15 Certificate or documentary evidence of financial security for repatriation	106	1.4	7	6.6
Area 16 Certificate or documentary evidence of financial security relating to shipowners liability	102	1.3	8	7.8
Total	8,039	100.0	433	5.4

		2012		2013		2014	
		Def	Def%	Def	Def%	Def	Def%
Working and Living Conditions (MLC, 2006)*	MLC, 2006 Title 1			14	0.03	57	0.12
	MLC, 2006 Title 2			88	0.18	324	0.70
	MLC, 2006 Title 3			258	0.53	1,352	2.94
	MLC, 2006 Title 4			390	0.79	2,218	4.82



MLC deficiencies top 5

Deficiencies	2016		2017	
	Deficiencies	% Total deficiencies	Deficiencies	% Total deficiencies
Seafarers' employment agreement (SEA)	624	8.0	551	6.9
Records of seafarers' daily hours of work or rest	416	5.3	419	5.2
Electrical	361	4.6	434	5.4
Cleanliness of engine room	317	4.1	293	3.6
Sanitary Facilities	273	3.5	280	3.5

MLC detainable deficiencies top 5

MLC detainable deficiencies	2016		2017	
	Detainable deficiencies	% Total detainable deficiencies	Detainable deficiencies	% Total detainable deficiencies
Wages	63	13.4	50	11.5
Seafarers' employment agreement (SEA)	57	12.2	40	9.2
Calculation and payment of wages	31	6.6	14	3.2
Cleanliness of engine room	24	5.1	17	3.9
Sanitary Facilities	22	4.7	21	4.8



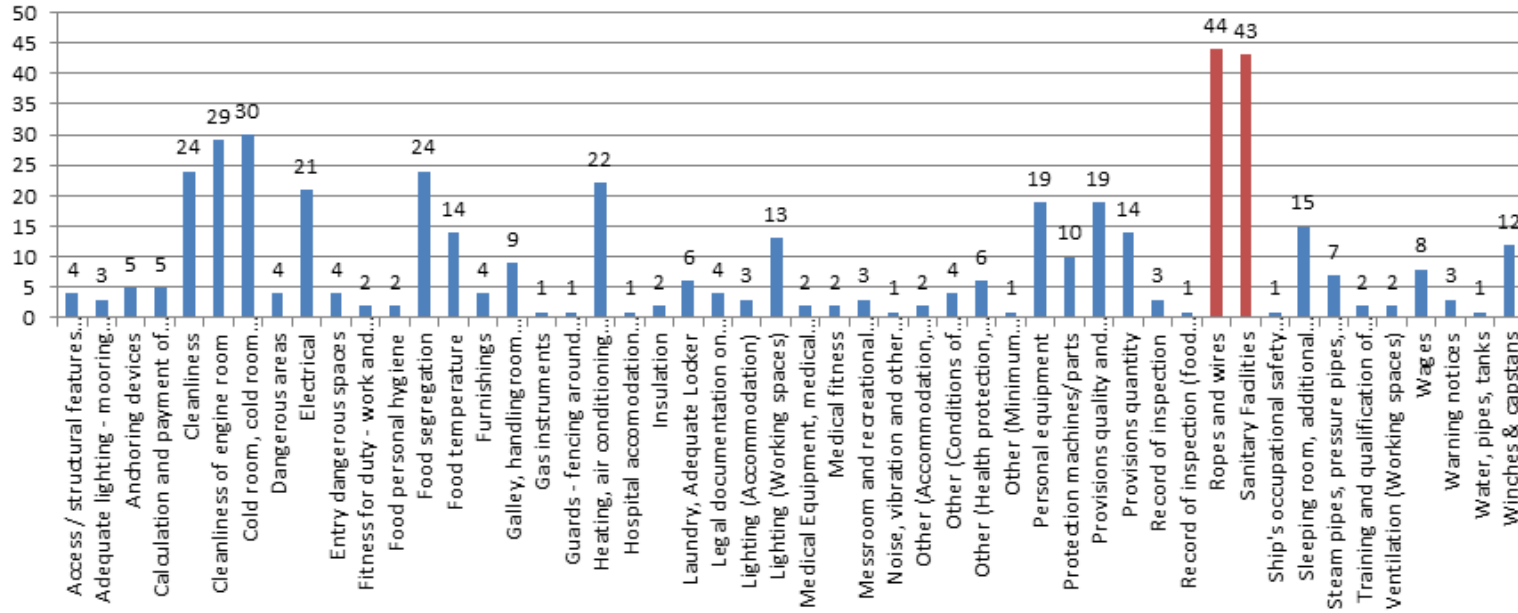
Paris MoU



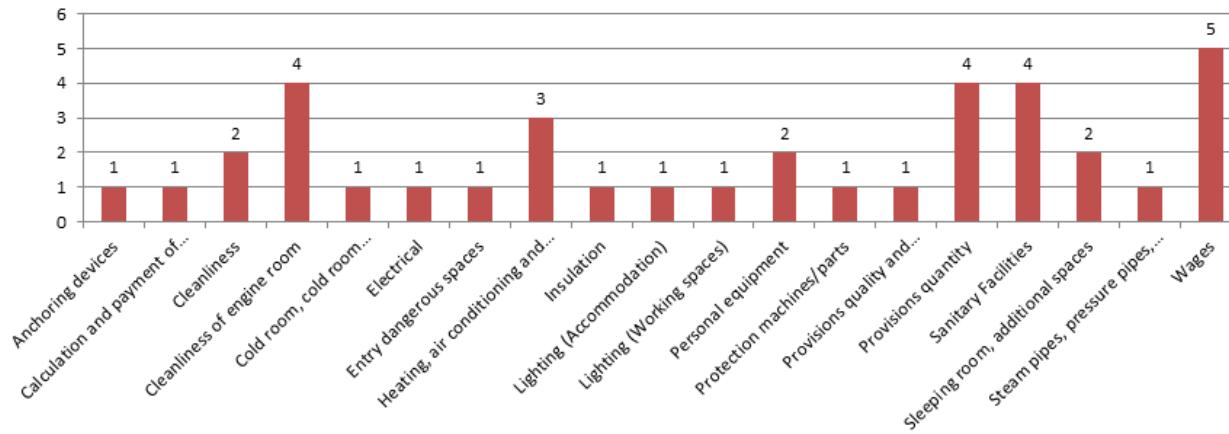
**Italian Coast Guard on MLC, 2006
2017 - 2018**



MLC, 2006 - Deficiencies detected during PSC inspections in Italy YEAR 2017

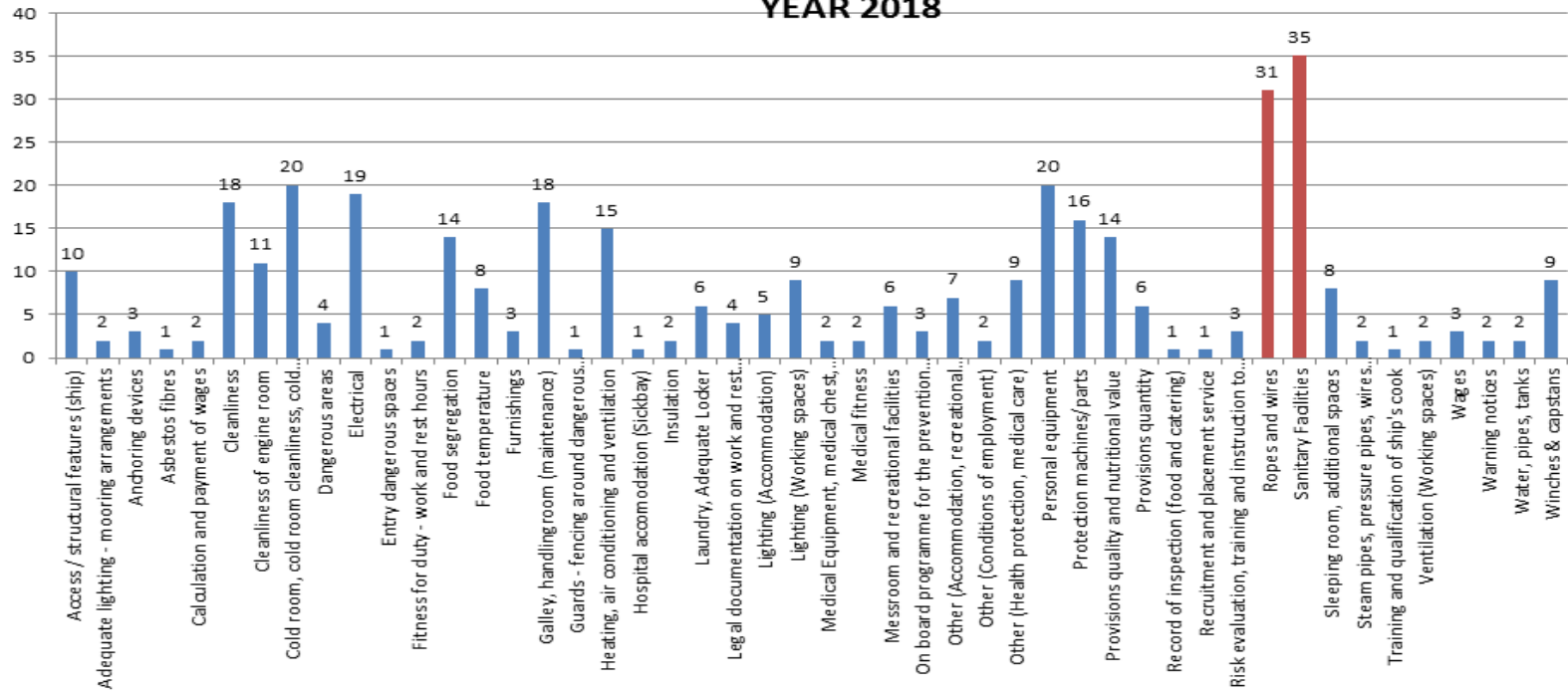


MLC, 2006 - Detainable deficiencies detected during PSC inspections in Italy YEAR 2017



MLC, 2006 - Deficiencies detected during PSC inspections in Italy

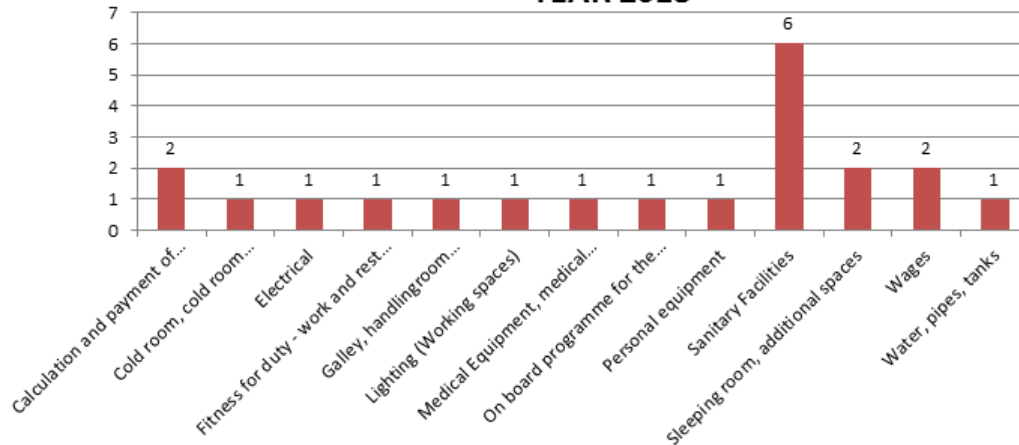
YEAR 2018



MLC, 2006 - Detainable efficiencies detected during PSC

inspections in Italy

YEAR 2018



ANY QUESTIONS.....?





ITALIAN COAST GUARD – SAFETY NAVIGATION DEPARTMENT

Thank you for listening



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email: luigi.giardino@mit.gov.it