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[TITLE 1.](#) - General measures

[CHAPTER 1.](#) - Introductory measures

Article [1](#). The present Law regulates an area provided for in Article 78 of the Constitution.

[Article 2](#). The present law is intended to create a system for ensuring compliance with Regulations 5.1 and 5.2 of the Maritime Labour Convention 2006, the requirements of the Maritime Labour Convention 2006 and the legal, regulatory and conventional provisions giving effect to them in the internal legal system, in particular through regular inspections, the introduction of a certification system and a declaration of compliance, the preparation of reports, monitoring measures and an efficient sanction system.

[CHAPTER 2.](#) - Definitions

[Article 3](#). For the application of the present law, the following definitions shall apply:

1. "MLC 2006": Maritime Labour Convention 2006 adopted on 23 February 2006 by the

International Labour Conference;

2. "vessel": any ship not navigating exclusively in inland waters or waters within or closely adjacent to sheltered waters or areas where port regulations apply;
3. "vessel flying the Belgian flag": a vessel registered in Belgium and flying the Belgian flag in accordance with Belgian legislation;
4. "international voyage": a voyage from one country to a port in another country;
5. "gross tonnage": the capacity according to the overall dimensions of a vessel;
6. "the designated official": the official, designated by the King, responsible for monitoring application of the Law, its implementing Decrees and MLC 2006;
7. "approved organisation": the approved organisation as defined in the Royal Decree of 13 March 2011 setting the common rules and standards for organisations approved to carry out the inspection and survey of vessels and activities pertinent to maritime administrations;
8. "shipowner": the owner of the vessel or any other entity or person, such as the manager, agent or bareboat charterer to whom the owner has given responsibility for operation of the vessel and who, by taking on this responsibility, has accepted responsibility for the tasks and obligations incumbent to shipowners under the terms of the present Law, independently of the fact that other bodies or persons carry out some of these tasks or responsibilities in their name;
9. "Directorate-General for Maritime Transport": the Directorate-General for Maritime Transport of the Federal Public Service Mobility and Transport;
10. "National provisions": the Belgian and international provisions in force in Belgium insofar as the inspection of compliance with these by the vessel is covered by the Regulations 5.1 and 5.2 of the MLC 2006.

CHAPTER 3. - Scope of application

Article 4. (1). Except as foreseen, the present Law applies to all vessels belonging to public or private entities normally used for commercial activities and to the seafarers found on board.

(2) The present Law does not apply:

1. to vessels engaged in fishing or similar pursuits and to ships of traditional build and to seafarers on board;
2. to war ships and naval auxiliaries and the seafarers found on board.

(3) In case of doubt regarding the applicability of the present Law and its implementing Decrees to a vessel flying the Belgian flag or to a category of vessels flying the Belgian flag, the issue is resolved by the Directorate-General for Maritime Transport following consultation with the joint commission concerned.

(4) Any decision taken by the Directorate-General for Maritime Transport in application of paragraph 3 is communicated to the Director General of the International Labour Office.

(5) A vessel flying the flag of a foreign State that has not ratified the MLC 2006 cannot be handled more favourably than a vessel flying the flag of a State that has ratified the MLC 2006.

Article 5. (1). Concerning vessels flying the Belgian flag, the present law only applies to seafarers under the Law of 3 June 2007 on various provisions relating to labour and its implementing Decrees and to the seafarers with a status other than employee.

The shipowner should guarantee that seafarers with a status other than employee benefit from decent working and living conditions equivalent to those afforded to employed seafarers by the national provisions giving effect to the requirements of the MLC 2006.

(2) For vessels flying the flag of a foreign State, seafarers are to be considered as persons employed or engaged, or with any title, on board a ship to which the present Law applies. The

competent authority for which the vessel is flying the flag may exclude certain categories of persons in accordance with the conditions prescribed by the Maritime Labour Convention 2006. This exclusion can only be taken into account if it is mentioned in the declaration of maritime labour compliance, or in another document issued by the flag state concerned.

[CHAPTER 4.](#) - Requirement for vessels flying the Belgian flag to keep on board a copy of the Maritime Labour Convention 2006

[Article 6.](#) Any vessels flying the Belgian flag and falling within the scope of application of the Law keeps a copy of the MLC 2006 on board in an easily and directly accessible place for seafarers, designated officials and approved organisations.

[TITLE 2.](#) - The maritime labour certificate and the declaration of maritime labour compliance concerning vessels flying the Belgian flag

[CHAPTER 1.](#) - Scope of application

[Article 7.](#) Any vessel flying the Belgian flag of 500 gross tonnage or more and making an international voyage or operating from a port or between ports in another country has an up-to-date maritime labour certificate and a declaration of maritime labour compliance on board.

The present Title also applies to any other vessel flying the Belgian flag upon request by the shipowner to the designated official.

These vessels also come under the scope of application of Title 1, Title 3, Chapters 3, 4, 5, Sections 1 and 6, Title 4, Chapter 1, Title 5, Title 6, Chapter 1, Title 7, Article 71, Article 73, Articles 75 to 80 inclusive and Title 8.

[Article 8.](#) The maritime labour certificate attests that the working and living conditions of seafarers, including measures adopted aiming to ensure continuous compliance with national provisions giving effect to requirements of the MLC 2006, which should be mentioned in the declaration of maritime labour compliance under Chapter 3, have been subject to an inspection under Regulations 5.1 and 5.2 of the MLC 2006 and comply with these national provisions.

[Article 9.](#) The declaration of maritime labour compliance mentions the national measures which give effect to the requirements in the MLC 2006 concerning the working and living conditions of seafarers and laying down the measures adopted by the shipowner to ensure compliance with these national provisions on the vessel concerned.

[CHAPTER 2.](#) - The maritime labour certificate

[Article 10.](#) The maritime labour certificate is prepared in accordance with the template outlined by the King.

[Article 11.](#) The maritime labour certificate should be issued or renewed by the designated official if, following an inspection under Chapter 1 of Title 3, it is established that the vessel complies with or continues to comply with the national provisions giving effect to the requirements in the MLC 2006 in the following 14 domains:

1. the minimum age of persons employed or engaged or working in any capacity on board a ship;
2. medical certification;

3. seafarer qualifications;
4. seafarer employment agreements;
5. the use of any private recruitment and placement service under licence or approved or regulated;
6. hours of work and rest;
7. manning levels for the ship;
8. accommodation;
9. on-board recreational facilities;
10. food and catering;
11. health and safety and accident prevention;
12. on-board medical care;
13. on-board complaint procedures;
14. payment of wages.

[Article 12](#). After a favourable intermediate inspection under Articles 35 and 36, the designated official or approved body places their endorsement on the maritime labour certificate.

[Article 13](#). Without prejudice to the exception under Article 14, the length of validity of the maritime labour certificate may not exceed five years.

[Article 14](#). If the inspection for renewal of the maritime labour certificate took place within three months preceding the expiry date of the existing certificate, the maritime labour certificate is valid from the date that the inspection in question took place, for a length not exceeding five years from the expiry date of the existing certificate.

[Article 15](#). When the inspection for renewal of the maritime labour certificate took place more than three months before the expiry date of the existing certificate, the new maritime labour certificate shall be valid for a period not exceeding five years starting from the date of the inspection in question.

[Article 16](#). A maritime labour certificate may be issued on an interim basis in three cases:

1. for new vessels, on delivery;
2. when a vessel reflags under the Belgian flag;
3. when a shipowner takes on responsibility for operating a vessel which is new to this shipowner.

[Article 17](#). The maritime labour certificate issued on an interim basis is done in accordance with the template outlined by the King.

[Article 18](#). The maritime labour certificate can only be issued on an interim basis for a period not exceeding six months.

[Article 19](#). The maritime labour certificate can only be issued on an interim basis if it is established that the following cumulative conditions are present:

1. the vessel has been inspected, to the extent that this is reasonably possible, with regard to the corresponding national provisions in the domains outlined in Article 11, taking into account verification of the elements under (2) and (4);
2. the shipowner has shown that the adequate procedures are put in place on board with a view to ensuring compliance with national provisions giving effect to the requirements of the

MLC 2006;

3. the master knows the requirements in the MLC 2006 and the obligations in terms of implementation; and
4. the information required has been presented to the designated official or the approved organisation with a view to establishing a declaration of maritime labour compliance.

[Article 20](#). The issuing of a maritime labour certificate with a length of validity of five years is subject to completion, prior to the expiry date of the certificate issued on an interim basis, of a complete inspection as provided for in Chapter 1 of Title 3.

No new maritime labour certificate will be issued on an interim basis after the initial period of six months under Article 18.

[Article 21](#). The maritime labour certificate, even when issued on an interim basis, loses its validity in the following cases:

1. the intermediate inspection under Chapter 1 of Title 3 is not carried out within the deadline set;
2. the maritime labour certificate is not endorsed following a favourable intermediate inspection in accordance with Article 12;
3. there has been a change in the flag state;
4. the shipowner ceases to assume responsibility for operating the vessel;
5. major changes have been made to the structure or equipment under Title 3 of the MLC 2006.
6. Hypothetically if the certificate loses its validity due to the case provided for in (3), (4) or (5), the new certificate will only be issued if the designated official issuing it is fully convinced that the vessel complies with the provisions referred to in Article 11.

[Article 22](#). The designated official may revoke the maritime labour certificate if the vessel is shown not to comply with the national provisions giving effect to the requirements of the MLC 2006 and the deficiencies noted by the designated official or the approved organisation carrying out the inspection have not been rectified in a satisfactory way.

[Article 23](#). When a revoke of the certificate is being envisaged, the designated official considers the seriousness and/or frequency of the deficiencies and the shipowner or their delegate should be heard on the subject.

[CHAPTER 3](#). - The declaration of maritime labour compliance

[Art. 24](#). The declaration of maritime labour compliance is prepared in accordance with the template outlined by the King.

[Article 25](#). The declaration of maritime labour compliance has two parts.

- a) Part I of the declaration of maritime labour compliance is prepared by the designated official and includes the following elements:
 1. the list of areas which should be inspected with a view to issuing the maritime labour certificate;
 2. the national provisions giving effect to the pertinent requirements of the MLC 2006 and, if necessary, the concise explanations for the content of these national provisions;
 3. the Belgian provisions relating to certain categories of vessels;
 4. the equivalent provisions overall adopted in accordance with paragraphs 3 and 4 of the Article VI of the MLC 2006 or the mention of the absence of such equivalent provisions

overall;

5. the exceptions granted under Title III of the MLC 2006 or the mention of the absence of exceptions.

(b) Part II of the declaration of maritime labour compliance is prepared by the shipowner and shall identify the measures adopted to ensure ongoing compliance with the national requirements giving effect to the requirements of the MLC 2006 between two inspections as well as the measures proposed to ensure that there is continuous improvement.

[Article 26](#). The designated official issues the declaration of maritime labour compliance after having certified Part II prepared by the shipowner.

[Article 27](#). The declaration of maritime labour compliance is annexed to the maritime labour certificate.

The issuing of a declaration of maritime labour compliance is in any case not required during the length of validity of the maritime labour certificate issued on an interim basis.

[CHAPTER 4](#). - Language of certification documents

[Art. 28](#). The maritime labour certificate and the declaration of maritime labour compliance are prepared in French or Dutch, as the shipowner chooses, as well as in English.

[CHAPTER 5](#). - Publicity measures

[Art. 29](#). A copy of the maritime labour certificate and declaration of maritime labour compliance is visibly displayed in an area accessible to seafarers.

[Article 30](#). The shipowner submits a copy of the maritime labour certificate and the declaration of maritime labour compliance, including possible annexes, upon request by seafarers, designated officials, authorised Port State officials and representatives of seafarers and shipowners.

[TITLE 3](#). - Inspections

[CHAPTER 1](#) - Inspections of vessels flying the Belgian flag

[Article 31](#). All vessels flying the Belgian flag, subject to the obligation for certification or not, are subject to regular inspections to ensure that working and living conditions of seafarers on board vessels flying the Belgian flag meet and continue to meet the requirements of the MLC 2006.

[Article 32](#). When a vessel flying the Belgian flag is registered for the first time or when it is re-registered or in case of major changes to the accommodation for seafarers on board the vessel flying the Belgian flag, the designated official should also inspect the areas concerning accommodation and recreational facilities.

[Article 33](#). For vessels built prior to the entry into force of the MLC 2006 in Belgium, the requirements for the construction and equipping of vessels outlined in the Convention No 92 of the International Labour Organization concerning accommodation for on-board crew (revised 1949) continues to apply.

[Article 34](#). The inspection of vessels subject to the obligation for certification should be comprehensive and prior to the issuing of the maritime labour certificate and the declaration of maritime labour compliance under Title 2 and should concern the 14 domains outlined in Article 11.

[Article 35](#). At least an intermediate inspection should be carried out to verify if the national provisions giving effect to the requirements in the MLC 2006 are always complied with.

If a single intermediate inspection is carried out, it shall take place between the second and the third anniversary dates of the maritime labour certificate.

Anniversary date means the day and month of each year which will correspond to the date of expiry of the maritime labour certificate.

[Article 36](#). The scope and depth of the intermediate inspection is equal to an inspection for renewal of the maritime labour certificate.

[Article 37](#). The inspection for renewal of the maritime labour certificate concerns the national provisions giving effect to the requirements of the MLC 2006 which are the subject of the inspection prior to issuing of a first maritime labour certificate.

[Article 38](#). 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 in a document that the shipowner should keep on board the ship. This document, which is written in English, is annexed to the declaration of maritime labour compliance under Chapter 3 of Title 2.

[CHAPTER 2](#). - Inspections of vessels flying a foreign flag

[Article 39](#). Every vessel, flying the flag of a foreign State not having ratified the MLC 2006, which makes a stop in a Belgian port in the normal course of its activity or for a reason inherent in its operation, may be inspected in this port in order to verify compliance with the requirements in the MLC 2006 on working and living conditions of seafarers on board the vessel (including seafarers' rights).

[Article 40](#). Without prejudice to the cases defined in Article 41 and the competences foreseen by Belgian and international provisions on monitoring by the Port State, the inspection of vessels flying the flag of a foreign State having ratified the MLC 2006 is limited to an inspection of the maritime labour certificate and the declaration of maritime labour compliance.

The inspection is made by the designated official after going on board the vessel.

[Article 41](#). (1). The designated official may carry out a detailed inspection in order to verify that working and living conditions on board the vessel are complied with if, during the inspection under Article 40, having come on-board and requested, where appropriate, the maritime labour certificate and the declaration of maritime labour compliance, they notice that:

1. the documents required are not presented or are not kept up-to-date, or have been untruthfully filled in, or the documents do not contain the information required by the MLC 2006 or are not valid for another reason; or
2. there are solid reasons to believe that working and living conditions on board the vessel do

not comply with the requirements of the MLC 2006; or

3. there are reasonable grounds to believe that the vessel has changed flag with the aim of escaping the obligation to comply with provisions of the MLC 2006; or

4. there is a complaint according to which the working and living conditions on board the vessel are not compliant with the requirements of the MLC 2006.

(2) The designated official should carry out a detailed inspection if they have noted that the working and living conditions which are believed or alleged to be defective in relation to the requirements of the MLC 2006, risk presenting a clear hazard to the safety, health or the security of seafarers, or if there are grounds to believe that any deficiencies constitute a serious breach of the requirements of the MLC 2006 (including seafarers' rights).

[Article 42](#). In the case of a complaint under Article 41(1)(1), the inspection shall be limited to the scope of the complaint, although a complaint, or its investigation, may provide clear grounds to believe that the working and living conditions on board the vessel do not comply with the requirements of the MLC 2006.

In this case, they carry out a detailed inspection.

[Article 43](#). The detailed inspection in the cases provided for in Articles 41 and 42 concerns the areas outlined in Annex A5-III of the MLC 2006.

[Article 44](#). A complaint under Article 41(1)(4) should be considered as any information submitted by a seafarer, a professional body, an association, a trade union or, generally by any person with an interest in the safety of the ship, including an interest in safety or health hazards to seafarers on board.

[CHAPTER 3](#). - The designated officials

[Article 45](#). A memorandum of understanding should be concluded between the designated officials, including the Directorate-General for Maritime Transport and the legal, documentation and litigation department of the Federal Public Service Employment, Labour and Social Dialogue.

This memorandum of understanding covers in particular the organisation and coordination of inspections including the allocation of inspection tasks as well as the preparation and operation of inspections.

[Article 46](#). Without prejudice to the attributions of criminal investigation officers, the designated officials supervise:

1. vessels flying the Belgian flag, compliance with national provisions giving effect to the requirements of the MLC 2006 as well as compliance with the present Law and its implementing Decrees;
2. vessels flying a foreign flag, compliance with MLC 2006.

[Article 47](#). (1). The designated officials carry out their duties in accordance with the laws and implementing decrees laying down the means of exercise of their competences, their rights and their obligations.

(2) The designated officials are authorised, when carrying out their duties, to go on board vessels at any time of the day or night, without prior notification, and freely move around in all areas, rooms and facilities on the vessels, including accommodation areas and cabins intended for seafarers.

Concerning vessels flying a foreign flag, the designated officials are authorised, when

carrying out their duties, to go on board vessels at any time of the day or night, without prior notification, and freely move around in all areas, rooms and facilities on the vessels, including accommodation areas and cabins intended for seafarers working or residing on board vessels uniquely in the cases provided for in Articles 41 and 42.

(3) If they consider it necessary, the designated officials pass on the information they collect in the course of the duties that are delegated to them under the present Law, to other officials from other inspection services and competent institutions, in Belgium and the State whose flag the vessel is flying, to the extent that this information may interest them due to the legislation that they are in charge of monitoring or applying.

The transfer of information is done without fee and also involves the production, for examination, of any information medium and the provision of copies in any format.

There is an obligation to pass on this information if the designated officials of another inspection service request to see it.

In any case, the information collected when carrying out the duties required by the legal authority can only be passed on with the express authorisation of said authority.

Information concerning personal medical details can only be communicated or used with the respect of medical confidentiality.

The designated officials may use the information obtained in this way to carry out all the duties which are delegated to them under the present Law.

CHAPTER 4. - Authorisation of approved bodies

Article 48. (1). In order to ensure compliance of vessels flying the Belgian flag with national provisions giving effect to the requirements of the MLC 2006 and of the present Law and its implementing Decrees, the King may foresee the authorisation of approved organisations.

(2) The authorisation specifies the scope of attributions of the approved body.

Notwithstanding application of Article 60, this authorisation allows them to at least require correction of deficiencies noted concerning the working and living conditions of seafarers and to carry out inspections in this area if a port State requests it.

Article 49. The Directorate-General for Maritime Transport keeps an up-to-date list of organisations authorised to act and provides it to the International Labour Office. The list shall specify the functions that the recognized organisations have been authorised to carry out.

CHAPTER 5. - Reporting and information requirements

Section 1. - Provisions applicable to inspections of vessels flying the Belgian flag

Article 50. For any inspection made on vessels flying the Belgian flag, an inspection report is drawn up and sent to the Directorate-General for Maritime Transport. This report is written in English.

In the case of an investigation pursuant to a major incident, the report is submitted to the aforementioned Directorate-General no later than one month following the conclusion of the investigation.

The King determines the meaning of major incident.

Article 51. A copy of the report is submitted to the master of the inspected vessel.

The master of the vessel inspected displays another copy on the vessel's display board for information to seafarers.

Article 52. The designated official passes on a copy of the report to the representatives of

seafarers who request it.

[Article 53](#). The Directorate-General for Maritime Transport keeps a register of inspections. An annual report of the inspection activities of vessels flying the Belgian flag is published within a reasonable period no longer than six months after the end of the year.

[Section 2](#). - Provisions applicable to inspections of vessels flying a foreign flag

[Article 54](#). The designated official who, when carrying out a detailed inspection of a vessel flying a foreign flag making a stop in a Belgian port, notes that the working and living conditions of seafarers on board the vessel are not compliant with the requirements of the MLC 2006, should, at the very least:

1. immediately inform, in writing, the master of the vessel of the deficiencies noted and the deadlines for which these should be remedied and;
2. prepare and transmit an inspection report to the Directorate-General for Maritime Transport.

[Article 55](#). In the event that such deficiencies under Article 54 are considered to be significant, or if these deficiencies are linked to a complaint made in accordance with Article 54, the designated official brings the deficiencies to the attention of the appropriate seafarers' and shipowners' organisations in the Belgian territory and may:

1. inform a representative of the administration in the flag State;
2. communicate the pertinent information to the competent authorities in the next port of call.

[Article 56](#). If they consider it necessary, the Directorate-General for Maritime Transport submits a copy of the inspection report to the Director General of the International Labour Office as well as the response by the administration in the port State within the deadline required by the designated official.

[Article 57](#). (1). If a complaint under Chapter 2 of Title 6 made to the designated official in the port where the vessel made its stop has not been resolved with the flag State administration, and it has not been demonstrated that this State is capable of dealing with the complaint, the Directorate-General for Maritime Transport should transmit a copy of the inspection report to the Director General of the International Labour Office, accompanied by any responses from the administration of the flag State, transmitted within the deadline required by the designated official.

(2) The Directorate-General for Maritime Transport informs the appropriate seafarers' and shipowners' organisations on the Belgian territory of the fact that a complaint that a designated official has received onshore has not been resolved by the administration of the flag State and that it has not been demonstrated that this State was capable of dealing with the complaint in accordance with the procedures required in the MLC 2006.

(3) The Directorate-General for Maritime Transport holds statistics and information concerning complaints that have been resolved as provided for in Chapter 2 of Title 6. These statistics and information are transmitted at regular intervals to the Director General of the International Labour Office.

[CHAPTER 6](#). - Confidentiality and discretion requirements

[Art. 58](#). The designated officials and approved organisations take the necessary measures to ensure the confidential nature of personal social details they have found out in the exercise of

their duties in order to guarantee the use of these details only when required to carry out their monitoring duties.

[Article 59](#). Excluding express authorisation of the complainant or a denunciation relating to a deficiency on board a vessel flying the Belgian flag with regard to national provisions giving effect to the requirements of the MLC 2006 or relating to a deficiency on board a vessel flying a foreign flag with regard to the requirements of the MLC 2006 and for the two types of vessel, a deficiency with regard to seafarers' rights, to the present Law and its implementing Decrees, the designated officials and the approved organisations cannot under any circumstances, even before a court, reveal the name of the complainant in the complaint or denunciation.

It is also not permitted to reveal to the shipowner or representative or to the master that they have been subject to an investigation following a complaint or denunciation.

[TITLE 4](#). - Measures which can be taken in case of noted deficiency

[CHAPTER 1](#). - Vessels flying the Belgian flag

[Article 60](#). Without prejudice to the power to draw up a statement in case of noted violations to the national provisions giving effect to the requirements of the MLC 2006, to the present Law and its implementing Decrees, the designated official is authorised to require any deficiency to be remedied and to prohibit the ship from leaving the port where it is stopped at the time of the inspection up until the necessary measures have been taken, when there are grounds to believe that deficiencies constitute a serious violation of the national provisions giving effect to the requirements of the MLC 2006, representing a significant danger for the safety, health or security of seafarers.

When there are grounds to believe that the deficiencies noted constitute a major violation to the national provisions giving effect to the requirements of the MLC 2006 or representing a significant danger for the safety, the health or the security of seafarers, the approved organisation brings them immediately to the attention of the designated official.

[Article 61](#). Without prejudice to the means of recourse available in application of other regulations, the shipowner or the master who considers that their rights have been infringed upon by the decision taken by the designated official in application of Article 60 to prohibit the vessel from leaving the port may submit an appeal against the decision within fifteen days following notification of the decision in accordance with applicable provisions.

The appeal is made by an application addressed to the State Commissioner of the maritime investigation council and containing the means cited, pursuant to Article 18 of the Law of 5 June 1972 on the safety of ships.

The appeal does not have a suspensory effect.

[CHAPTER 2](#). - Vessels flying a foreign flag

[Article 62](#). Without prejudice to the competence of drawing up a statement in case of noted violations to the requirements of the MLC 2006, the present Law and its implementing Decrees, the designated official who, when carrying out a detailed inspection, notes that the vessel does not comply with requirements of the MLC 2006 and that:

1. the working and living conditions on board present a clear danger for safety, health or security of seafarers; or
2. non-compliance constitutes a serious or repeated violation to the requirements of the MLC 2006, including seafarers' rights,

3. takes the necessary measures to ensure that the vessel does not leave the port as long as the non-compliances under (1) and (2) have not been rectified, or as long as a plan aimed at rectifying them has not been accepted and they are not convinced that this plan will be rapidly implemented.

[Article 63](#). If they prohibit the vessel from leaving the port, the designated official immediately communicates their decision to the administration in the flag State. They invite a representative of this State to be present, if possible, and request that the State concerned responds within a deadline they have stipulated.

They also immediately inform the seafarers' and shipowners' organisations present on the Belgian territory.

[TITLE 5](#) - Requirement for diligence by designated officials and approved organisations

[Art. 64](#). All reasonable efforts are made in order to avoid checks, inspections, measures required for the correction of deficiencies noted and/or coercive measures, unduly detaining or delaying a vessel.

[TITLE 6](#) - Procedures for seafarer complaints

[CHAPTER 1](#) - Procedure for complaints on board vessels flying the Belgian flag

[Art. 65](#). (1). Seafarers are able to make a complaint on board the vessel flying the Belgian flag where they work on any issue constituting a violation in their eyes to the national provisions giving effect to the requirements of the MLC 2006 (including seafarers' rights).

(2) The complaint procedure is set by the King.

(3) The complaint procedure shall at the very least provide for:

1. the possibility for the seafarer to make a complaint directly to the master and the designated official;
2. the right for the complainant to be accompanied or represented during the complaint procedure on board;
3. the designation of one or several persons who can, confidentially, advise seafarers on the procedures they have access to and assist the complainant in any interviews or hearings related to the reason for the dispute.

[Article 66](#). (1). A document prepared in English and in the working language of the vessel describing the applicable complaint procedure on board should be given to all seafarers. This document should mention the contact details of the Directorate-General for Maritime Transport and of a person on board the vessel who can, confidentially, advise the seafarers impartially on their complaint and help them in any other way to implement the complaint procedure which is open to them when they are on board.

(2) The document describing the complaint procedure is accompanied by at least a template of a complaint form, which is defined by the King.

(3) If the seafarer makes a complaint to the master or another person designated in the complaint procedure, they use the complaint form under paragraph 2 that they fill in, date, sign and return using recorded delivery.

[Article 67](#). (1). If a complaint is made by a seafarer due to a violation of national provisions giving effect to the MLC 2006, including seafarers' rights, no hostile action may be taken against this person, except for reasons which are separate from this complaint.

(2) Under the terms of this present Article, a hostile action may be the breaking of the

working relationship, the unilateral modification of working conditions or any other malicious act, whoever the perpetrator is, against the seafarer who has made the complaint.

(3) In the terms of the present Article, a complaint should be considered as:

1. a reasoned complaint made by the seafarer on board the vessel, in accordance with the procedures in force;

2. a reasoned complaint submitted to the designated official;

3. a legal action submitted by the person concerned;

(4) If a hostile action is taken against the complainant within a period of twelve months following the complaint being made, it falls to the person against whom the complaint was made to prove that the hostile action has been adopted for reasons which are separate to this complaint.

If legal action has been started by the complainant, the deadline under paragraph 1 is extended until expiry of a deadline of three months following the day when the decision taken becomes final.

(5) If, contravening paragraph 1, a hostile action is taken against the complainant, the latter may request to be reintegrated on board the vessel, in their previous service or to be allowed to perform their role under the conditions previously set.

The request is made to the shipowner by recorded delivery or with receipt notification within thirty days of the date of notice being given, termination without notice or unilateral modification of working conditions. The shipowner shall take a position on this request within the thirty day period following notification.

In case of reintegration on board the vessel, in the same service or role held with the conditions previously set, the shipowner is required to pay the salary lost due to the redundancy or change in working conditions and to pay the associated social security payments for the employer and the employee.

The present paragraph does not apply if the hostile action comes after the end of the working relationship.

CHAPTER 2. - Procedure for complaints on board vessels flying a foreign flag

Art. 68. Any seafarer on board a vessel making a stop in a Belgian port may make a complaint to the designated official about a deficiency related to the requirements of the MLC 2006, including seafarers' rights.

Article 69. (1). The designated official, informed of a complaint, verifies initially if the complaint concerns the working and living conditions on board the vessel.

(2) If they consider it necessary, and taking into account the nature of the complaint, the designated official verifies, in the context of an initial investigation, whether the complaint procedures on board have been explored and if a detailed inspection should be undertaken in accordance with the procedure described in Articles 42, 43, 44, 62 and 63.

(3) If they consider it necessary, the designated official will promote resolution of the complaint on board the vessel.

Article 70. If, in the course of the initial investigation or inspection on board following the complaint being made, no non-conformity under Article 62 is noted and that the complaint has not been resolved on board the vessel, the designated official immediately informs the flag State of the vessel concerned and seeks to obtain, within a deadline they stipulate, advice and a plan of corrective measures

TITLE 7. - Infringements and their penal sanction

CHAPTER 1. - Responsibilities of vessels flying the Belgian flag

Article 71. The shipowner, their representative or officer and/or the master or their representative is punished with a fine of EUR 50 to 500 if they do not have available on board a copy of the MLC 2006 in a place which is easily accessible by seafarers, designated officials and approved organisations.

Article 72. The shipowner, representative or officer and/or the master or their representative is punished with a fine of EUR 100 to 1,000 if:

1. on board the vessel which is subject to certification, they do not have, or do not keep up-to-date, the maritime labour certificate (interim) and/or the declaration of maritime labour compliance;
2. they do not transmit a copy of the maritime labour certificate and the declaration of maritime labour compliance to the seafarers, designated officials, representatives of seafarers and shipowners who make the request;
3. they have not displayed a copy of the maritime labour certificate and the declaration of maritime labour compliance which is easily visible and in an accessible place for seafarers;
4. they do not keep on board the vessel the document under Article 38;
5. they have not displayed a copy of the inspection report on the display board pursuant to the obligation under Article 51, paragraph 2.

Article 73. The shipowner, representative or officer and/or the master or their representative is punished with a fine of EUR 600 to 6,000 if they:

1. do not comply with the procedure allowing seafarers to make a complaint on board the vessel on any issue constituting, in their view, a violation of the national provisions giving effect to the requirements of the MLC 2006 (including seafarers' rights);
2. do not provide all seafarers' on board the vessel with the document under Article 66 or provide a document which is incomplete or written in another language than that imposed by Article 66.

CHAPTER 2. - Responsibilities of vessels flying a foreign flag

Article 74. The shipowner, representative or officer and/or the master or their representative is punished with a fine of EUR 600 to 6,000 if they obstruct, in any way, the rights of seafarers on board a vessel flying a foreign flag and making a stop in a port situated on the Belgian territory, to make a complaint onshore or to inform the designated official of a deficiency with regard to the MLC 2006 (including seafarers' rights).

CHAPTER 3. - Responsibility of vessels regardless of their flag state

Article 75. The shipowner, representative or officer and/or the master or their representative is punished with a fine of EUR 600 to 6,000 if they navigate a vessel regardless of it being prohibited from leaving the port by the designated official under the present Law.

Article 76. Without prejudice to Article 269 to 274 of the penal code and Article 22 to 28 of the Law of 5 June 1972 on the safety of vessels, any person who obstructs organised monitoring under the present Law and its implementing Decrees is punished by a fine of EUR 600 to 6,000.

CHAPTER 4. - Rules applicable to penal sanctions

Article 77. The punishments foreseen by the present Law, with regard to the master, may be reduced by a quarter in relation to the shipowner, if it can be proved that the master received a written or verbal order from the shipowner to act in violation of the present Law or its implementing Decrees.

Article 78. In case of a repeat offence during the year which follows sentencing for a violation of provisions in the present Law or its implementing Decrees, the maximum punishment may be doubled.

Chapter V of Book 1, of the Penal Code is not applicable to the offences covered under the present Title.

Article 79. Chapter VII of Book 1, of the Penal Code is not applicable to the offences covered under the present Title.

Article 80. If there are extenuating circumstances, the fine may be reduced below the amount covered by the Law, without it being less than 40 percent of the minimum required amount.

TITLE 8. - Fees and travel expenses

Article 81. The King determines the fees that can be levied following inspection of a vessel, as well as any intervention made by the designated official in the context of the functions that are imposed by the law or the implementing Decrees of this law. These are the responsibility of the shipowner.

Article 82. When an inspection outside of Belgium becomes necessary, travel and accommodation expenses of designated officials are to be paid by the shipowner.

TITLE 9. - Amending measures

Article 83. (1). In Article 11(1), paragraph 2 of the Law of 5 June 1972 on the safety of vessels, the words "to maritime labour" are inserted between the words "they ensure compliance with international conventions relative" and the words "the safeguard of human life".

(2) In Article 29 of the same Law, the words "or the Maritime Labour Convention 2006" is inserted between the words "the convention concerning loadlines" and the words "the law of the land".

Article 84. In the Law of 3 June 2007, on various labour provisions, an Article 28/1 is inserted as follows:

" 28/1. (1) The King may set, following consultation with the joint commission concerned, the categories of persons who are not seafarers, taking into account the following criteria:

1. the length of stay on board of the persons concerned;
2. the frequency of periods of work carried out on board;
3. the principal place of work;
4. the reason for work on board;
5. the protection normally given to these persons concerning working conditions and in social terms; it should be ensured that this is comparable to what they have under the Maritime Labour Convention 2006.

(2) In case of doubt as to whether a category of person belongs in seafarers, the issue is resolved by the Directorate-General for Maritime Transport following consultation with the joint commission concerned. The criteria under paragraph 1 are taken under consideration when examining the issue.

(3) Any Decree adopted pursuant to paragraph 1 is transmitted to the Director General of the International Labour Office. "

[Article 85](#). In Article 34 of the same Law, the following amendments are made:

1. in (2)(3) the words "date of birth or age, place of birth" are inserted between the words "first names" and the words "and residence";

2. in the same paragraph, (7)/(1) is inserted, as follows:

"(7)/(1) the annual holiday pay or the formula used to calculate it;"

3. in the same paragraph, (8) is completed with the words: "and the conditions of its suspension, in particular the expiry date;"

4. the same paragraph is completed by (9) and (10), written as follows:

9. the services in the area of health and social security which should be ensured to the seafarer by the shipowner;

10. the reference to the collective labour agreement which is a part of the seafarer employment agreement. "

5. the Article is completed by a paragraph 3 as follows:

"(3) The seafarer should be able to examine the seafarer employment agreement and request advice on this subject before signing, and be provided with any other facilities which are necessary to guarantee that they are contracting freely, and have sufficient comprehension of their rights and obligations. "

[Article 86](#). In Title VI, Chapter II, of the same Law, a section 3 is inserted entitled "Access to information".

[Article 87](#). In Section 3 of the same Law, inserted by Article 86, an Article 43/1 is inserted, written as follows:

"Article 43/1. The necessary measures are taken to ensure that precise information relating to employment conditions may be easily obtained on board by seafarers, including the master of the vessel, and that this information, including a copy of the seafarer employment agreement, is also accessible for verification by officials authorised to this effect, including those from the port authorities where the vessel makes its stops. "

[Article 88](#). In the Section 3 of the same Law, an Article 43/2 is inserted, written as follows:

"Article 43/2. If the seafarer employment agreement is partially made up of one or several collective labour agreements, a copy of these conventions should be made available on board.

If the seafarer employment agreement and/or the applicable collective labour agreement are not written in English, the following documents are made available, in English:

1. A copy of a standard maritime employment agreement;

2. the parts of the collective labour agreements where application is subject to inspection by the port State under the Maritime Labour Convention 2006 adopted on 23 February 2006 by the General Conference of the International Labour Organization and the Law of 13 June 2014 adopting and monitoring application of the Maritime Labour Convention.

There is no need to keep a copy in English available on the liners exclusively used for inland navigation on board of which the working language is Dutch or French. "

[TITLE 10](#). - Entry into force

[Article](#) 89. The present Law enters in force on 20 August 2014.