



FLAG & CLASS
Monthly Marketing Report
船旗国&船级社 市场月报
2014年12月29日 29 DEC., 2014



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PREAMBLE 序言:

The monthly report published by Register NU & Class NU is to provide all our customers with updated maritime news aim to create awareness of the new happenings and implementation of new regulation from time to time.

我们 *Register NU & Class NU* 的月报是为了给我们的客户提供最新的海事信息。

Prepared by: **RegisterNU & ClassNU**

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PART I—EXCLUSIVE VISION

中国造船为何不能像高铁成为国家名片？



作为国家的支柱性战略产业之一，中国造船工业在全球的产业发展大格局中处于重要地位，中国在体量上也成为世界第一的造船大国，但是，中国造船为何不能像高铁那样成为国家名片呢？

首先是中国造船产业界还缺乏应有的产业自信。这方面最典型的标志就是中国造船产业界有许多人目前还一直坚持认为中国只是造船大国，还不是造船强国。李保坤先生在2013年的多个国内行业论坛上就开始阐述认为中国已经是造船强国。但是认同的人很少，甚至没有媒体公开报道。中国造船工业发展确实不平衡，差异性非常大，但是差异性不能抹杀重要性，中国造船工业的整体实力应该是世界前8名。足球比赛还有16强和8强，如果中国造船工业的整体实力已经是世界前8名，还不敢称为世界造船强国，我们的产业自信心到底在哪里？再看看其他的KPI，比如中国在商船、军船、特种船、海工项目和非标重工项目的综合表现上，我们的综合实力同韩国、日本和新加坡等比较的话，应该是有差有强的，总体可比。还有在船舶国际展览会的举办上，中国在规模和密度上都是韩国和日本根本不能与中国比肩的。还有一个有趣的“KPI”，最近广船国际的总经理韩先生公开表示，如果国家需要，广船也可以造航母。我们国家哪些船厂有实力和能力建造航母，想必大家都懂。我们反问一下，如果我们的航母游弋在大洋上，我们能说航母不是由造船强国的船厂建造的吗？有人相信吗？中国人民会

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满意吗？产业自信心不强，将不仅仅是灭自己威风志气的问题，更会让我们“自捆手脚”，自我矮化，自我束缚，一直消沉跟不上崛起的大势。

有些造船企业闯与创的精神还不够，进取心还不强，还有小富即安的思想，特别是有“国家级”大项目的企业，等靠要的心态比较好。在门槛较低的散货船建造热门的时候，一心就想造散货船。当时准备造海工项目的船东还找不到造船厂建造。在今年中国船舶工业集团公司宣布准备建造豪华邮轮的时候，竟然还有行业人士“冷嘲热讽”和准备看笑话。有不少人担忧说建造豪华邮轮困难比较多，比如日本船厂在建造邮轮期间，失火好几次，损失比较大（他们的担忧，翻译一下就是日本人都行，我们行吗？）。当今建造豪华邮轮全球第一的德国船厂，今年在建造邮轮的时候，也失火了。我们认为这是难题的，不少都是全球行业性的难题，不是我们才独有的难题。中国高铁是国家名片，中国航天和中国航空也是中国能自豪地递得出去的国家名片。他们这些“国家名片”之所以能成为“国家名片”，闯与创的进取精神就是法宝。

我们的行业潜力没有充分挖潜释放，产业链也没有完全打通。合成效应没有完全体现出来。“艺无止境”是一种普世价值观念和现实。Seahow 咨询公司在研究建造豪华邮轮全球第一的德国船厂案例时发现。即使是这个全球第一的德国船厂，它也在不停地研究和改进其造船建造方法，那它准备怎么研究和改进超过“全球第一”的造船建造方法呢，欢迎多关注 Seahow 咨询公司发布的消息和举办的活动。市场节拍跟得准不准，市场机会把握好不好，差别很大。一个具体实例，Seahow 咨询公司在今年首先发布了中国将同意澳洲每年出口中国 100 万头活牛会激发牲口船建造机会，一家中国船厂及时将这条新闻翻译成为英语纷纷向海外船东推介，一时间多个国外船东纷至沓来，有家欧洲船东立马加价下建造合同，同时同意 30%的预付款。造船界的人士都知道，目前还有多个中国船厂以“零首付”或“低到 2%首付”抢单，30%的预付款还加价，还在当今的行情下。可能要有劳范伟先生出来感叹一下“做人的差距咋这么大呢”。

全球产业营销力度还不够，我们造船产业在有意识地系统打造全球形象方面还有许多功课要做。在 2013 年 5 月新加坡的一个全球专业论坛上，一个欧洲船舶专家，公开以 PPT 诋毁中国的造船建造档次和实力。幸好紧接这个“唱衰”者的下一个演讲的也是一个欧洲船舶专家，这个白人的 PPT 题目是如果没有考虑中国，你就不能制定未来计划。他以大量 PPT 客观分析和赞扬中国船舶工业的发展和进步。Seahow 咨询公司多次发现海外船舶界对中国工业的整体实力和潜力往往认识不全不深，有叫好的，有迷恋的，有观望的，还有迷惑的，有摇摆的，甚至还有扔石头和唱衰的。有些国外船厂还在沾沾自喜，四处公开宣称中国在高档船舶，复杂船舶方面还没有能力涉入，还不能和他们竞争，只能在低档、简单的船舶和海工项目上作为。有感于这些，Seahow 咨询公司在 2013 年开始聘用中国和欧美专家，首创以英文报告形式系统总结中国造船和海工的行业发展报告，受到全球产业界的好评。中船重工的总经理孙波先生特别赞赏报告中专门列出的中国成功交付的高档船舶海工项目和中国正在建造的高档船

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船海工项目这样的章节，这样的分析总结角度非常独到和成功。德国机械工业联合总会甚至还专门将英文报告内容简介翻译成德文向德国工业界推荐。

2010年，中国的工业生产总量占到全球的19.8%，超过了百年霸主——美国。也就是在2010年，中国造船工业抓住了世界造船重心由欧洲到日本到韩国，再逐步向中国转移的历史机遇，使中国在体量上成为世界第一的造船大国。但是中国造船还没有像中国高铁，中国航天和中国航空一样成为“国家名片”。作为国家的支柱性战略产业之一，中国造船应当和必须勇当“国家名片”，绝对不能像中国足球一样成为国际笑话。产业兴旺，行业人士都有责，Seahow 咨询公司将与中国和世界的产业界志同道合者一道勤勤恳恳地探讨和实践中国造船产业的未来发展。作为2015年开年后的新行动，SeaHow 咨询公司和 Green Solution 将在2015 CI00E 中国国际海洋石油天然气展览会组委会和北京振威展览有限公司的支持下借助中国国际海洋石油天然气展览会的平台，于2015年3月27日至28日联合召开2015海工金融和新装备技术北京国际论坛(2015 Offshore Finance & New Technologies Int'l Beijing Forum)，以国际视野系统探讨未来造船界海工投资和建造机会，并重点研讨中国造船、海工、装备、配套和油气行业发展对全球金融市场的需求和机会以及如何更好地利用金融市场和新装备技术助力中国造船打造“国家名片”。

---Source: SeaHow Consulting

PART II—FLAG STATE NEWS

SLISCR Maritime Labour Convention (MLC), 2006 Procedure

SLISCR MARITIME CIRCULAR No. 15

Purpose

The purpose of this Maritime Circular is to provide guidelines on the inspection and certification of vessels flying the Sierra Leone flag with the requirements of the Maritime Labour Convention, 2006.

Application

1. Ships:

1.1 The MLC, 2006 applies to all ships as so defined, whether publicly or privately owned, that are ordinary engaged in commercial activities except:

I. Ships engaged in fishing or in similar pursuits;

II. Ships of traditional build such as dhows and junks;

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III. Warships or naval auxiliaries.

1.2 Paragraph 5, Article II of the MLC, 2006 recognizes that there may be situations where there is a doubt as to whether it applies to a ship or particular category of ships. In the event of doubt, SLISCR must be contacted to make a determination on the question.

1.3 The following ships must be inspected and certified as been in compliance with the MLC, 2006 and carry a Maritime Labour Statement of Compliance and the Declaration of Maritime Labour Compliance Parts I and II:

- I. Ships of 500 gross tonnage or above, engaged in international voyages;
- II. Ships of 500 gross tonnage and above, operating from a port, or between ports, in another country;
- III. Other ships, as may be voluntarily requested by a Shipowner.

1.4 The requirements of Regulation 3.1 for accommodation and recreational facilities as well as the related Code apply only to ships constructed on or after 20th of August 2013. A ship is considered to have been constructed on the date when its keel is laid or when it is at a similar stage of construction.

2. Seafarers:

2.1 The MLC, 2006 applies to all persons who are employed or are engaged or work in any capacity on board a ship to which the Convention applies.

2.2 Paragraph 3 of Article II of the MLC, 2006 addresses the cases where it is not clear whether a worker or category of workers are considered as “seafarers” covered by the Convention. In the event of doubt, SLISCR must be contacted to make a determination on the question. In order to determine whether a category of workers are to be regarded as “seafarers” covered by the Convention, the following factors will be taken into consideration by SLISCR:

- I. Duration on board of the persons concerned
- II. Frequency of periods of work spent on board
- III. Location of the person’s principal place of work
- IV. Purpose of the person’s work on board
- V. Protection provided to the person concerned with regard their labour and social conditions

Certification requirements

3 Ships required to be inspected and certified for compliance with the MLC, 2006

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(refer to paragraph 1.3, above) must carry and maintain on board a Maritime Labour Statement of Compliance as well as a Declaration of Maritime Labour Compliance (DMLC), Parts I and II.

4 The DMLC Part I is drawn up by SLISCR and includes the following information:

I. The list of matters to be inspected in accordance with the MLC, 2006 (i.e., the 14 areas listed in Appendix A5-I, refer to paragraph 10 below);

II. In each of those areas, the national requirements embodying the relevant provisions of the Convention;

III. Ship-type specific requirements under national legislation;

IV. Record any substantially equivalent provisions; and

V. Clearly indicate any exemption granted by SLISCR as provided in Title 3 of the MLC, 2006.

5. The DMLC Part II is to be drawn up by the Shipowner (for the definition of Shipowner refer to paragraph 1(j) of Article II of the MLC, 2006) and certified by the duly authorized Recognized Organization (RO) (refer to paragraph 13 below). The DMLC Part II must identify the measures adopted to ensure ongoing compliance, between inspections, with the national requirements, stated in the DMLC Part I, and the measures proposed to ensure that there is continuous improvement.

6. Interim Maritime Labour Statement of Compliance:

6.1 An Interim Maritime Labour Statement of Compliance must be issued:

I. To new ships on delivery;

II. When a ship changes flag; or

III. When a Shipowner assumes responsibility for the operation of a ship which is new to that Shipowner.

6.2 An Interim Maritime Labour Statement of Compliance may be issued for a period not exceeding six months by the Recognized Organization (refer to paragraph 13 below) duly authorized for this purpose.

6.3 A Declaration of Maritime Labour Compliance need not be issued for the period of validity of the Interim Statement of Compliance.

6.4 An Interim Maritime Labour Statement of Compliance may be issued for a period not exceeding six months. No further Interim Statement of Compliance may be issued following the initial six months.

7. Maritime Labour Statement of Compliance:

7.1 A Maritime Labour Statement of Compliance must be issued to each ship

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following a successful initial inspection and verification by the RO (refer to paragraph 13 below).

7.2 The Maritime Labour Statement of Compliance must be issued by the duly authorized RO for a period which shall not exceed five years, upon successful inspection and verification of Sierra Leone requirements as outlined in the DMLC Part I 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.

7.3 The validity of the Maritime Labour Statement of Compliance shall be subject to an intermediate inspection by the 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 Statement of Compliance. Anniversary date means the day and month of the year which will correspond to the date of expiry of the Maritime Labour Statement of Compliance. The scope of the intermediate inspection shall be equal to an inspection for renewal of the Statement of Compliance. The Statement of Compliance shall be endorsed by the RO following satisfactory intermediate inspection

7.4 Notwithstanding paragraph 7.2 above, when the renewal inspection has been completed within three months before the expiry of the existing Maritime Labour Statement of Compliance, the new Maritime Labour Statement of Compliance must 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 Statement of Compliance. In such a case the period of validity may exceed five (5) years.

7.5 When the renewal inspection is completed more than three (3) months before the expiry date of the existing Maritime Labour Statement of Compliance, the new Maritime Labour Statement of Compliance must be valid for a period not exceeding five years starting from the date of completion of the renewal inspection.

8. A Maritime Labour Statement of Compliance ceases to be valid:

I. If the relevant inspections are not completed within the periods prescribed by the MLC, 2006;

II. If the Statement of Compliance is not endorsed following an intermediate inspection;

III. When a ship changes flag;

IV. When a Shipowner ceases to assume the responsibility for the operation of a ship; and

V. When substantial changes have been made to the structure or equipment covered in Title 3 of the MLC, 2006.

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9. Under paragraphs 16 and 17 of Standard A5.1.3, a Maritime Labour Statement of Compliance must be withdrawn if there is evidence that the ship concerned does not comply with the requirements of MLC, 2006 and any required corrective action has not been taken.

Inspection requirements

10. As per paragraph 1 of Standard A5.1.3, the 14 areas in the working and living conditions of seafarers that must be inspected and certified as complying with the national laws and regulations or other measures implementing the requirements of the MLC, 2006 is contained in Appendix A5-I to the Convention. These areas are:

I. Minimum age

II. Medical certification

III. Qualifications of seafarers

IV. Seafarers' employment agreements

V. Use of any licensed or certified or regulated private recruitment and placement service

VI. Hours of work or rest

VII. Manning levels for the ship

VIII. Accommodation

IX. On-board recreational facilities

X. Food and catering

XI. Health and safety and accident prevention

XII. On-board medical care

XIII. On-board complaint procedures

XIV. Payment of wages

11. During the interim Inspection:

I. The ship must be inspected, as far as reasonable and practicable, in the 14 areas (see paragraph 10, above);

II. The Shipowner has demonstrated to the RO that the ship has adequate procedures to comply with the Convention;

III. The master is familiar with the requirements of the Convention and the responsibilities for implementation; and

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IV. Relevant information has been submitted to the RO to produce a declaration of maritime labour compliance.

12. During Initial / Intermediate / Renewal Inspections:

I. the 14 areas in the working and living conditions of seafarers must be inspected and certified as complying with the national laws and regulations or other measures implementing the requirements of the MLC, 2006 as contained in Appendix A5-I to the Convention (refer to paragraph 10, above);

II. in addition to the above 14 areas, the vessel must also be inspected for the entitlement to leave (Regulation 2.4) Repatriation (Regulation 2.5), Shipowner's Liability (Regulation 4.2) and Social Security (Regulation 4.5) requirements of the MLC, 2006.

13. SLISCR has authorized the following Recognized Organizations (RO) to carry out inspections and issue certificate under the MLC, 2006:

American Bureau of Shipping (ABS)

Bureau Veritas (BV)

Dromon Bureau of Shipping (DBS)

Germanischer Lloyd (GL)

Korean Register of Shipping (KRS)

Lloyd's Register (LR)

Maritime Lloyd (ML)

New United Marine Services LT (NUMS)

Overseas Marine Certification Service, Inc. (OMCS)

Panama Shipping Registrar Inc. (PSR)

Phoenix Register of Shipping S.A. (PHRS)

Registro Italiano Navale (RINA)

Russian Maritime Register of Shipping (RMRS)

Sing Lloyd (SGL)

14. The above mentioned ROs are authorized to:

I. Issue an Interim Maritime Labour Statement of Compliance in accordance with the provisions of Article V and Title 5 of the MLC, 2006;

II. Issue a Maritime Labour Statement of Compliance in accordance with the provisions of Article V and Title 5 of the MLC, 2006;

III. Endorse the Maritime Labour Statement of Compliance, as applicable, in accordance with the provisions of Article V and Title 5 of the MLC, 2006;

IV. Endorse the Declaration of Maritime Labour Compliance Part II;

V. Require the rectification of deficiencies that have been identified in seafarers'

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working and living conditions on board.

Revision

Initial 26th November 2014: Adopted

PART III—CLASS NEWS

关于消防员装备的新规则

2014年7月1日，经IMO海安会第338(91)和339(91)决议采纳的SOLAS（海上人命安全公约）的2014修正案和FSS（消防安全系统规则）将正式生效，届时将引入针对消防员装备中的呼吸器和双向便携式无线电话设备的修订和最新要求，具体如下：

对于呼吸器：

SOLAS 第II-2/10.10.1条规定和FSS规则的修订的新内容指出：“压缩空气呼吸器上应该配有一个声响警报和一个视觉警报或者其它设备，这些装置应能在气瓶里的空气含量不足200升之前发出警报以提醒使用者。”

这一规定适用于2014年7月1日当日或以后建造（铺设龙骨）的船舶，而该日期之前建造（铺设龙骨）的船舶最迟也应在此后五年的时间内（即2019年7月1日当日或之前）满足要求。

关于“船上训练和演习”的新的SOLAS 第II-2/15.2.2.6条规定要求：船上必须配有充气设备以便对演习期间使用过的呼吸装置气瓶进行充气，或者配备有适当数量的备用气瓶以替换那些用过的气瓶。”所有船舶应不迟于2014年7月1日满足该要求。

对于双向便携式无线电话设备：

新的SOLAS 第II-2/10.10.4条规定要求：“对于2014年7月1日或者之后建造的船舶，每一消防小组应至少配有两台双向便携式无线电话设备以便消防员进行通讯。这些双向便携式无线电话设备应是防爆类型的或者是本质安全的。对于2014年7月1日之前建造的船舶，本项要求对其生效的日期不得迟于2018年7月1日后进行的首次设备安全检查之时。

LAST PANAMA MERCHANT MARINE CIRCULARS

最新巴拿马商船通函

302 MARITIME LABOUR CONVENTION, 2006 (MLC, 2006). EXEMPTION
WE DEDICATE TO PROVIDE ONE STOP SERVICES TO MARINE INDUSTRY

Shanghai office : Rm #8-I, No, 55 Lin Ping Road (North), Shanghai 200086, P.R. China

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**CERTIFICATE AND DISPENSATION LETTER. TITLE 3.REGULATION 3.1.–
ACCOMMODATION AND RECREATIONAL FACILITIES.**

海事劳工公约。免除证书和豁免信。标题 3 规则 3.1-舱室和娱乐设施

Reference: Law 2 of January 6, 2009.

1. That the Republic of Panama ratified the Maritime Labour Convention, 2006 (MLC, 2006), by Law No. 2 of January 6th of 2009, duly regulated through Executive Decree No. 86 of February, 2013.

2. That the MLC establishes on its *Article VI* "The Regulations and the provisions of Part A of the Code are mandatory. The provisions of Part B of the Code are not mandatory".

3. That due to the large quantity of Panama flagged vessels whose construction was terminated, or

whose keel was laid on a date after August 20th of 2013, and that they do not comply with the Standards and/or Guidelines of Title 3, Regulation 3.1, it becomes necessary that this Administration communicates to users of the Ship Registry, that while the National Legislation

incorporates Standards and Guidelines, the Flag requirements, regarding Standards, which are of mandatory compliance, cannot be the same as the requirements regarding Guidelines, which are not mandatory, relating to ship construction and equipment, therefore, this Administration takes the following measures, destined to provide our users with a service in accordance to the demands of the MLC, 2006, as follows:

*Whenever a ship does not comply with the regulations of Law Decree No. 86 of 2013, on TITLE IV ACCOMODATION, RECREATIONAL FACILITIES, FOOD AND CATERING CHAPTER I ACCOMODATION AND RECREATIONAL FACILITIES (MLC, Title 3, Regulation 3.1, Standard A3.1, Part A in the MLC Code), it must apply for an exemption certificate, in accordance to the form and procedure established on MMC 191.

*Whenever a ship does not comply with the regulations of Law Decree No. 86 of 2013, on TITLE IV ACCOMODATION, RECREATIONAL FACILITIES, FOOD AND CATERING CHAPTER I ACCOMODATION AND RECREATIONAL FACILITIES (MLC, Title 3, Guideline, Part B in the MLC Code), it must request a dispensation letter, by sending an e-mail to mlc@segumar.com/ mlcsegumar@amp.gob.pa, explaining the reasons and attaching a copy of the vessel's plan. This letter will be issued without any cost, by the Segumar Technical Office – Panama.

4. The exemption certificate and/or the dispensation letter, must be attached to the Declaration of Maritime Labour Compliance, and to the Maritime Labour Certificate, and must be available to the competent authorities.

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303 DISPENSATION FOR SHIP'S COOK COURSE

厨师课程豁免信

Reference: Regulation 3.2 of the Maritime Labour Convention 2006 (MLC, 2006).

- 1- The purpose of this Circular is to inform all users that the General Directorate of Seafarers, has established new dispositions according to Regulation 3.2, Standard A3.2 of the Maritime Labour Convention 2006 (MLC, 2006).
- 2- The Standard A3.2, paragraph 6 of the MLC, 2006, allows in circumstances of exceptional necessity to issue a dispensation to those cooks on board vessels, as long as they demonstrate to be properly trained or instructed in areas including food, personal hygiene, food storage, handling and storage of food on board ships.
- 3- Considering the aforementioned, this Maritime Administration has decided to grant a DISPENSATION LETTER to those cooks holding a ship's cook training course certificate, issued or approved by a Maritime Administration that doesn't comply with the requirements established on paragraph 4 of Circular MMC-275.
- 4- The DISPENSATION LETTER will have a validity of three (3) months and will permit to work on board Panamanian flagged vessels as a cook.
- 5- To request a DISPENSATION LETTER, you must submit a formal application through a Recognized Organization authorized to issue the Maritime Labour Certificate 2006 or the CICA, attaching as evidence the ship's cook training course certificate and copy of the cook's license. The cost will be the same required for a Dispensation in accordance with ILO No. 92,.

对“任何 24 小时”的探讨

来源：中国船检

2011 年至 2014 年期间，每年均有船舶在印度、澳大利亚等港口因海员休息时间缺陷被滞留，特别是自 2013 年 8 月至 2014 年 4 月在巴黎备忘录被滞留的船舶中共有 22 项滞留缺陷涉及工作和休息时间。今年 9 月 1 日至 11 月 30 日全球最有影响力的两大 PSC 备忘录组织 PARIS MOU 和 TOKYO MOU 将同时开展海员休息时间的 PSC 集中大检查，然而目前对休息时间要求的理解各方仍存在不同认识，有待厘清，以便于海员正确记录休息时间及避免被 PSC 滞留。

目前两大公约《海员培训、发证和值班标准国际公约》马尼拉修正案（后称 STCW 公约）和《2006 年海事劳工公约》（后称 MLC 公约），对海员休息时间的要求为：“最短休息时间在

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任何 24 小时时段内不得少于 10 小时且在任何 7 天时间内不得少于 77 小时。休息时间最多可分为两段，其中一段至少要有 6 小时，且相连的两段休息时间的间隔不得超过 14 小时”。



对“任何 24 小时”时段如何界定？各方就存在不同理解。一种观点认为可以从一天中任何时刻作为起始点，如香港旗 PART I 导则中将“任何 24 小时”解释为从一天中的任何时刻作为起始点

“Any 24-hour period means starting at any moment during a day must comprise at least ten hours of rest”。按此理解则对于休息时间为 0000~0500、0900~1900 时，如将起始点选择在 1400 时，则休息时间被分成 3 段 1400~1900、0000~0500、0900~1400 各 5 小时，导致不符合休息时间最多可分为两段，其中一段至少要有 6 小时的公约要求；

另一种观点为将“任何 24 小时”固定为某一时段，如巴拿马主管当局以立法的方式定义“24 小时时段是指从 0000 到 2400 时的时段”。则对于值班安排通常为 0400~0800 和 1600~2000 时的大副值班班组，如将除值班职责以外 3 小时的其他 SMS 和 ISPS 工作安排在 0800~1000 时，则休息时间会被分成 3 段 0000~0400、1100~1600、2000~2400 时，且没有一段超过 6 小时，同样导致不符合公约要求。

而巴黎和东京备忘录 PSC 内部检查导则：“在没有船旗国导则或指引明文规定的情况下，24 小时将被理解为从一段休息时间的开头或结束开始计算”。显然这种解释对上述香港旗和巴拿马旗是不利的。反而对未给出任何解释的船旗国如中国旗和新加坡旗更有利，对于休息时间为 0000~0500、0900~1900 时只要将“任何 24 小时”的起始点设定为 0000 时开始（一段休息时间的开始）计算，则 24 小时的休息时间为 0000~0500、0900~1900 时 5+10=15 小时，满足公约要求；对于值班安排通常为 0400~0800 和 1600~2000 时的大副值班班组，除值班职责以外的工作安排在 0800~1000 时，只要将“任何 24 小时”的起始点设定为 0400 时开始（一段休息时间的结束）计算，则 24 小时的休息时间为 1100~1600、2000~0400 时 5+8=13 小时，同样满足公约要求。

因此从公约为缓解海员疲劳应使海员休息时间安排尽可能长且连续的角度出发，将“任何 24 小时”解释为：“每个海员的任何 24 小时的起始点可以由船长或具体安排工作的部门

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长确定，一般应从一段休息时间的开头或结束时间开始计算，不同岗位海员的起始点可以不一样，但同一海员的起始点一旦确定，在一段较长时间内应保持一致，以利于同一海员形成相对固定的生物钟”更为合理且有利于船长安排海员的休息时间。

为避免 PSC 滞留，若船旗国无明确要求，如中国旗、新加坡旗，通常的二副、三副值班班组和其他无值班职责的海员任何 24 小时的起始点可以确定为从 0000 时开始，即休息时间记录表中时间的第一列可按常规确定为 0000 时；而对于大副值班班组可以将休息时间记录表中时间的第一列确定为 0400 时开始，即任何 24 小时界定为 0400~0400 时，对于具有值班职责海员的其他 SMS 和 ISPS 的非值班职责通常应安排在日间并与值班时间相连续，以确保“夜间”的休息时间能用于睡眠而不被中断，如大副值班班组可将非值班职责安排在 0800~1000 时，或安排在 1300~1500 时，确保 2000~0400 时 8 小时时段不被打断得到很好的睡眠和休息，另 1 段为 1100~1600 或 0800~1300 时。对于香港旗，虽然 DMLC PART I 导则中的解释“任何 24 小时为可从一天中任何时刻作为起始点”不合理，但并未写入正式发布的 DMLC PART I 中，仍可按上述操作，但建议船东或管理公司能以书面形式报告香港海事处并保留书面报告和回复函（如有）则更合理，也可提醒主管当局在正式 MLC 立法时能更合理的规定或解释。对于巴拿马旗如按其立法的定义“24 小时时段是指从 0000 到 2400 时的时段”则对于通常大副值班班组的非值班职责可安排在 2000~2400 时之间，而确保 0800~1600 时 8 小时时段得到良好的睡眠和休息，另 1 段为 0000~0400 时。当然这样的安排会打破常规的生物钟，对得到良好的睡眠存在不合理，如船东或管理公司能以书面形式报告巴拿马主管当局并得到回复，则可按回复要求合理安排休息。

对另一模糊集的建议

MLC 公约对休息时间定义为“系指工作时间以外的时间，不包括短暂的休息”。针对“休息时间最多可分为两段”，普遍存在不同的认识。一种认为此处的“休息时间”是指“最短休息时间（即 10 小时）”不能分为超过 2 段。如新加坡 DMLC PART I:

“The minimum hours of rest may be divided into no more than two periods……”；则对于休息时间为 0100~0200、0300~0400、0500~0600、0700~1100（4 小时）、1200~1300、1400~1500、1600~1700、1800~2400（6 小时），该海员每天总的休息时间可记录为 16 小时，若按此持续 7 天，则 7 天总的休息时间为 112 小时，满足公约要求，但会导致不符合 PSC 检查导则的要求。

第二种观点认为此处“休息时间”是指“任何 24 小时的休息时间”不能分为超过 2 段。如中国旗（中华人民共和国交通运输部令 2012 年第 10 号）：“任何 24 小时内的休息时间可以分为不超过 2 个时间段，其中一个时间段至少要有 6 小时，连续休息时间段之间的间隔不应当超过 14 小时”。则对于上述情况如每天总的休息时间记录为 16 小时，则 24 小时的休息时间被分为 8 段，不符合公约要求；但若每天总的休息时间只记录为 10 小时，最长 2 段以外视作短暂的休息，则仍应视为满足最短休息时间在任意 24 小时内不超过 2 段的要求，但若按此持续 7 天，则 7 天总的休息时间仅为 70 小时，如无船旗国允许的例外，仍存在不符合公约“最短休息时间在任意 7 天内不少于 77 小时”的要求。

巴黎和东京备忘录 PSC 检查导则，解释为总的休息时间只能记录最长二段的休息时间，附加的短暂休息和用餐休息不能计入总的休息时间：

“Since the hours of rest only may be divided into no more than two periods, consequently only the two longest rest periods should be counted, and additional short breaks and meal breaks could not be included in the total periods of rest”。这种解释的本质与第二种观点基本相符。

因此为避免 PSC 滞留，应将“休息时间不超过 2 段”理解为“任何 24 小时的休息时间不超过两段，同时为缓解工作疲劳、提高工作效率，应鼓励工作期间给予海员更多短暂的休息，即只要 2 段以外的休息时间被视作短暂休息，并未计入总的休息时间，则不应判定为不符合公约休息时间不超过 2 段的要求”，与 PSC 检查导则相吻合。

公约要求的延伸和提示

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对最短休息时间在任何7天内不少于77小时应按PSC检查导则理解为：“7天应为任意连续7天，如将7天理解为一整个工作周，如一定为从一个周日到下一个周日，则理解错误”。因此为正确记录避免被PSC滞留，海员在评估当天的任何7天时只要加上前面的6天，以此类推，即每个月的1日应加上上个月最后6天的休息时间，以此类推每天评估往前7天的休息时间是否不少于77小时即可。

船长应监控每个海员是否如实且及时记录其休息时间。鉴于休息时间记录是评估海员疲劳和是否符合公约要求的有效措施，PSCO一旦怀疑记录不真实，必将扩大检查，甚至针对重复发生或不真实记录被开出ISM的滞留缺陷，如2010年7月至9月，连续3艘船舶在澳大利亚被开出：“SMS不能确保正确记录值班海员的休息时间，船长不能按照STCW保证值班船员的休息时间”的缺陷而被滞留。船长在开航前还应关注其首次值班和随后值班班次的值班海员是否得到充分的休息并适于值班。一旦出现不满足要求的情况，船长可对值班海员随时做出调整，并将此种调整记录在航海日志或航次计划中。



船长应牢记其有权因任何安全原因，中断或终止海员的休息时间。如为船舶、人员、货物安全或救助原因直至恢复正常情况，或为国家或国际规则规定的定期训练如消防或弃船，以最低限度减少打扰休息时间和不至于疲劳的方式，或由于环境或安全因素或其他开航时不可预见的原因，不能推迟或避免的必要操作。因此海员休息时间记录存在不满足公约要求的情况，是正常和真实的，特别是短航线船舶，此时只要在休息时间记录的备注栏中注明其中原因，一旦情况恢复正常，船长应给中断休息的海员予足够的休息补偿并在休息时间记录中注明补休时间，根据两大MOU的PSC检查导则，总的休息时间只计算最长2段，为此补休时间的安排应尽可能与随后的最长2段休息时间中的任何1段相连续。

船东、管理公司、所有船员尤其是船长和实际安排工作的部门长应充分认识到海员的疲劳可能会导致船舶和人员安全事故所带来的风险和危害，还应认识到公约对休息时间的要求仅是最低要求，满足公约要求并不意味着不会导致疲劳。并应加强在防止和缓解疲劳措施方面的培训，使船员掌握一些基本的防止或缓解疲劳的措施，具体可参考MSC/Circ.1014疲劳缓解和管理指南的相关要求；海员一旦感觉疲劳不适于值班，应及时报告船长，船长应及时调整值班安排，并将此种调整记录在航海日志或航次计划中备查。如果船长经常要为如何安排值

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班以符合公约对休息时间的要求而费神，则应评估值班海员是否已存在疲劳，并通过 SMS 体系船长复查程序，建议公司增加配员等。

CCS 浙江分社 罗林军 裘学峰

ISM 规则修订情况

- 海安会第 MSC. 353(92)号决议(Adopted on 21 June 2013) 2015 年 1 月 1 日实施。
- 修改的主要内容：
- 6 资源和人员
- 6.2 条（公司应当保证根据本国和国际有关规定，为每艘船舶配备合格、持证并健康的船员）修改为：
- 6.2 公司应确保每艘船舶：
- 6.2.1 根据国内和国际规定，配备合格、持证并健康的船
- 6.2.2 配备满足船上各种安全操作要求的合适的人员
- 12 公司审核、复查和评价
- 在现有的 12.1 之后插入新的 12.2：
- 12.2 公司应当定期核查所有受托承担涉及 ISM
- 增加脚注：
- 在定义 1.1.10 重大不符合规定情况之后插入脚注：参见《ISM 规则“重大不符合规定情况处理程序”（MSC/Circ. 1059—MEPC/Circ. 401）
- 在目标 1.2.3.2 “.....take into account”之后插入脚注：参见《规则、建议、指南及其他设计安全及保安的非强制性文件列表》MSC.1/Circ.1371）
- 在第 3 章公司的责任和权利标题之后插入脚注：参见《公司实施国际安全管理规则指南》（MSC-MEPC. 7/Circ.5）
- 在第 4 章指定人员标题之后插入脚注：参见《关于国际安全管理规则中指定人员必备的资质、培训和资历的导则》（MSC-MEPC. 7/Circ.6）
- 增加脚注：
- 在第 8 章应急准备标题之后插入脚注：参见本组织以 A. 852(20)号决议通过的经修正的《船舶应急预防措施综合体系结构导则》
- 在第 9 章不符合规定情况、事故和险情报告和分析标题之后插入脚注：参见《险情报告指南》（MSC-MEPC. 7/Circ.7）
- 在第 11 章文件标题之后插入以下脚注：参见“经修正的船舶应持有证书、文书清单”（FAL. 2/Circ.127, MEPC. 1/Circ.817, MSC. 1/Circ.1462）

本文中添加的脚注旨在提供参考与指导，不作为本规则的要求。然而按照 1.2.3.2 条的要求，所有相关的指南和建议均应予以考虑。

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