

Declaration of Maritime Labor Compliance Part 2

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:

Particulars of the Ship:

Name of Ship – Gyre

Distinctive numbers or letters – O.N. 2341

Port of Registry – Port Vila, Vanuatu

Date of Registry – 07 July 2014

Gross Tonnage – 798 GT (ITC)

IMO Number - IMO 7318999

Type of Ship – Oceanographic research vessel

Name and Address of Owner – TDI Brooks International, Inc., 14391 South Dowling Road, College Station, Texas 77845

On behalf of the abovementioned owner/operator:

- (a) The national requirements of Vanuatu, the flag of registry are contained in the DMLC Part 1, and;
- (b) Ongoing measures described below have been drawn up by the owner/operator to ensure ongoing compliance.

1. Minimum age (Regulation 1.1):

Owner/operator Measures for Compliance:

TDI Brooks policy and practice is that everyone going to sea on one of our vessels must be at least 18 years of age. Date of birth records for all persons on board are maintained in passport scans and merchant mariner credentials filed on the Crewing Module (<http://www.geodatapub.com/tdibisr/index.php>), accessible from any internet connection. Age of the individual is ascertained from passport records which is also a required employment credential for our ship's crew and all others on board in any capacity.

2. Medical certification (Regulation 1.2):

Owner/Operator Measures for Compliance:

TDI Brooks policy and practice requires a medical fitness report for all persons on board every 2 years (SMM Chpt 6, Sect. 1.0, page 1). Records of medical fitness are maintained on the Crewing Module as scans of the certificate. Mariners are required to carry and produce originals of the certificate of medical fitness when they report aboard.

All seafarers serving on a Vanuatu vessel are required to have a Vanuatu Seaman Identity book and/or an STCW I/O endorsement of their national license. Every application for a Vanuatu Seaman Identity Book and/or and STCW I/O endorsement of a national (non-Vanuatu) license requires the completion and submission of a Vanuatu Medical Exam form including a drug test and verification that the individual is fit for sea duty in the capacity specified.

3. Qualifications of seafarers (Regulation 1.3):

Owner/Operator Measures for Compliance:

Every crewman on the Gyre is required to have a Vanuatu Seaman Identity Book and/or a Vanuatu endorsement of their national license. Qualification for the Vanuatu credentials is made by Vanuatu Maritime Services upon submission and evaluation of the application, a Vanuatu physical exam report, and the national credentials for which endorsement is sought. Ensuring that qualified, trained and medically fit personnel man the vessels and the persons responsible for compliance is defined in our SMM Chpt 6, Resources and Personnel. Qualification records including a valid Merchant Mariner Credential from their home country and required STCW endorsements required by the Safe Manning Letter and international conventions are carried and presented by the mariner when reporting aboard. Scans of the credentials and training records are maintained on the Crewing Module and used as one of the criteria for hire. Additional training conducted during the course of their time on board is also recorded on the Crewing Module.

Upon joining the vessel, every person coming aboard, receives a detailed walk around tour/orientation/safety briefing of the vessel, the content of which and time of orientation is acknowledged in writing by the individual and the person conducting the training. These records are kept on file on the vessel for up to one year. (Attachment 1.3).

Other qualifications required with respect to company requirements and expectations related to our safety management system or our specific survey operations are met through company training programs. Completion of this training is documented thru company certificate issue, and these records are maintained on our crewing module (<http://www.geodatapub.com/tdibisr/index.php>).

4. Use of any licensed or certified or regulated private recruitment and placement services (Regulation 1.4):

Owner/Operator Measures for Compliance:

For a US company 46 USC 10314 and 10505 specify that a person may not receive remuneration for providing seafarers with employment and a seafarer may not pay an individual or company for providing employment. Additionally, a seafarer's wages may not be garnished with respect to his or her engagement on board the vessel.

TDI Brooks does not employ recruitment or placement services. All hiring is done upon direct application of the individual to the company. All ship's crew are direct employees of TDI Brooks. TDI Brooks does not employ through

collective bargaining agreements. There are no fees applicable to a seafarer or paid by a seafarer for obtaining employment with TDI Brooks.

5. Seafarers' employment agreements (Regulation 2.1):

Owner/Operator Measures for Compliance:

Vanuatu has determined that for the purpose of ILO MLC 2006 compliance a seafarer on a vessel of Vanuatu registry is defined as "an individual engaged or employed in a capacity onboard a vessel." Seafarers include those mariners (required to hold a STCW certificate for working on the vessel, even in a capacity above and beyond the requirements of the Minimum Safe Manning. However, in the particular case of an oceanographic research vessel, 22 categories of personnel (but not limited to these) do not require STCW certification and are defined as exceptions to the term seafarer. See DMLC Part 1, Regulation 5.0.

Vanuatu Maritime Act CAP 131 Paragraph 110 makes an exemption for shipping articles between Master and crew on Vanuatu vessels engaged in the search for and development of offshore oil, gas or mineral resources or in the support thereof (for which the Gyre is exclusively engaged) - where the master and crew of such vessels have entered into written contracts of employment with the owners or operators of such vessels.

TDI Brooks utilizes a Seafarer Employment Agreement which very closely mirrors the conditions in the Vanuatu Shipping Articles, yet preserves the confidentiality of the seafarer's remuneration terms, and provides the protection of the seafarer outlined in regulation 2. Seafarers are paid a consolidated day rate. Signed copies are maintained in confidence with the Master and the Seafarer on board, and made available for inspection in the presence of authorized inspectors and to the exclusion of other seafarers. (Example Attachment 2.1a)

Employment under the SEA begins the day the seafarer leaves home (or embarks) for the vessel and continues after debarking the vessel through the travel period of his repatriation to his home (or mutually agreed destination). Upon completion of the employment term, the proper entry is made in the seafarer's Discharge Book, or a Letter of Sea Service is issued by the Master. (Attachment 2.1 b)

6. Payment of wages (Regulation 2.2):

Owner/Operator Measures for Compliance:

For a US Company/Employer the United States statute establishes the seafarer's entitlement to wages for work performed and payment at the beginning of the voyage and at the end of the voyage, and penalties for non-compliance; 46 USC 10310, 10312, 10313, and 10314. 46 U.S.C. 10315 (Allotments) establishes the measures for allotments.

Ships' crew, like all other TDI Brooks employees are paid on a monthly basis. Paychecks are deposited directly to the mariner's bank account by electronic wire transfer by the 5th day following the end of the month. Deposits are made

to the bank and account that the mariner chooses/specifies at the time of hire. The account can be changed at any time by submission of a new Direct Deposit Form. Deposits are less any cash draws made by the seafarer on the ship's cash account and any voluntary cash purchases he has made for personal goods bought and delivered to him on the ship. A monthly confidential accounting of income and disbursements to each crew is made via email thru the captain of the vessel by the 10th of the month.

7. Hours of work or rest (Regulation 2.3):

Owner/Operator Measures for Compliance:

STCW required hours of work and rest on board are set in the watchstanding schedule by the Master. The watch schedule is posted in conspicuous places aboard. The rest provided meets or exceeds the STCW requirements for rest not less than 10 hours in a 24 hour period and 77 hours in a 7 day period, and the division into no more than 2 periods, one of which is at least 6 hours in length.

Individual records of hours of rest are maintained and verified by the individual seafarer using the computer based software "Watchkeeper". Each month each seafarer is given a written record of his rest hours, signed by the individual and the master (or mate). Electronic copies, matching the paper record, are maintained on that ship's computer. (Attachment 2.3)

8. Entitlement to Leave (Regulation 2.4)

Owner/Operator Measures for Compliance:

Paid annual leave and holiday pay is included in the seafarer's consolidated wage rate. A liberal shore leave policy is in effect for all seafarers.

9. Repatriation (Regulation 2.5)

Owner/Operator Measures for Compliance:

With TDI Brooks, seafarers are repatriated to their home country or point of origin at no cost to the seafarer. All travel is paid direct by TDI Brooks, and incidental expenses (food, local transportation, lodging when required, etc) are reimbursed promptly upon submission of a Expense Reimbursement Request Form.

There have been no exceptions the repatriation policy even when the seafarer has abandoned his position (in serious default of his employment agreement, i.e. jumped ship), or was terminated for cause. The daily wage includes those days enroute both ways and awaiting repatriation.

10. Manning levels for the ship (Regulation 2.7):

Owner/Operator Measures for Compliance:

Our vessels have a sufficient number of seafarers employed on board to ensure that the vessel can be operated safely, efficiently, and with due regard to security under all conditions, taking into account concerns about seafarer fatigue and the particular nature of the voyage.

Our Flag Administration specifies the level of safe manning required on our vessels. Each vessel has a Minimum Safe Manning Certificate and a scan of this certificate is maintained on our Crewing Module. Our voyage plans (also archived on the Crewing Module) document that the crewing for each voyage meets or exceeds the Minimum Safe Manning. The MSM Certificate specifies the STCW endorsements required of the minimum crew. The appropriate STCW endorsements on the mariner's MMC are documented in the scans of their credentials on the Crewing Module.

11. Accommodation and On-board recreational facilities (Regulation 3.1):

Owner/Operator Measures for Compliance

All of our vessels were US built and originally under US Flag. Our compliance is based upon meeting national requirements of the build country (above) and possession of the applicable Crew Accommodation Certificate for ILO 92 as applicable.

Specific requirements for inspection and certification, construction and arrangement (including accommodation construction and recreational facilities) are found in various subchapters of the regulations based on the type of vessel. Vessels built prior to the entry into force date of ILO Convention 147 to the United States must also comply with the applicable regulations above. Regarding the accommodations and facilities as built, the United States ratified ILO Convention 147, which includes Convention 92 (Accommodations of Crews Convention (Revised)) and Convention 133 (Accommodations of Crews Convention) as appended Conventions.

The U.S. instrument of ratification for ILO 147 established that U.S. domestic laws and regulations were substantially equivalent to the provision in the Appended Conventions that the United States did not ratify, including ILO Convention 133 (Accommodations of Crews, 1970) and ILO Convention 92 (Accommodation of Crews Convention (Revised), 1949). The United States satisfied itself that the general goals of the instrument of ILO Convention 133 are being respected. No specific legislation or regulations were implemented to bring the United States into conformity with the general goals of Convention 133.

These regulations are substantially equivalent to the applicable requirements of ILO Conventions 92, 133, and 147.

The vessel completed a crew accommodation survey in December 2014. The Crew Accommodation Certificate, crew accommodation details and survey report are attached. (Attachments 3.1a, b, c)

12. Food and catering (Regulation 3.2):

Owner/Operator Measures for Compliance:

Regulation A3.2.5 relaxes the requirement for cook training on vessels with prescribed manning less than 10. Nevertheless, our cooks are qualified and possess the certification as ship's cooks thru the appropriate training venues and endorsements. Our galleys serve 3 full hot meals every day that are nutritionally sound and culturally adapted to the needs, preferences, and desires of the diverse crew. In addition, the galley/mess is open 24/7 for individual preparation and consumption of snacks, food, drinks etc. There is no restriction on when or how much food is consumed. There is no charge to anyone for meals.

Potable water is taken on board only from approved municipal water supplies. A reverse osmosis water maker and UV sterilizer produces make up water at sea. Bottled water, produced by reverse osmosis and sealed in individual bottles is provided for drinking water.

Food storage temperatures and delivery times are monitored and recorded by the cook. A weekly galley inspection is performed by the Mate under authority of the Master with respect to:

- Food and drinking water supplies and storage
- Spaces and equipment utilized for storage and handling
- Galley and equipment used in the preparation and service of meals
- General cleanliness and hygiene of the mess area.

13. On-board medical care (Regulation 4.1):

Owner/Operator Measures for Compliance

As a Vessel owner/operator we are bound to the responsibility for sick and injured seafarers in accordance with the general maritime law remedy of Maintenance and Cure. Maintenance and Cure provides for medical coverage for seafarers while in the service of a vessel (including shore leave). Cure benefits provide for payment of reasonable and necessary medical care until the seafarer has reached a level of maximum cure. Cure includes first aid and emergency treatment, transportation to medical facilities, treatment at clinics and hospitals, diagnostic tests, medication, physical therapy, specialists, surgery, rehabilitation, and all other reasonable and necessary medical needs.

Our vessels are never beyond three days from port with a crew of 12 or more. If more persons are on board, we are within a maximum of tens of hours from port, thus no hospital compartment is required. However, berthing is sufficient on board that a separated hospital compartment could be designated if needed for voyages beyond 3 days from port (and when the crew on board is at normal SML levels or even above that level.

A fairly extensive medical chest is carried on board. Stocking, checking, inspection is carried out by contract services in the medical industry (Zee Medical), and is inspected monthly by the first mate. The *International Medical Guide for Ships* is carried aboard. In addition, we often carry a paramedic with trauma kit when the project requirements call for it. Our SMM provides for a MEDEVAC plan and exercises conducted regularly.

At least one person in the ship's crew is qualified and designated as a medical care provider (STCW VI/4), and is documented on the Crewing Module credentials.

The company subscribes to International SOS, worldwide medical advice and assistance 24/7 -(member #11BMMS000226)

A personal medical report form (regulation A4.1.2) is provided each seafarer upon joining. Completion and contents of the form is at the discretion of the seafarer. Sealed in an envelope and under the care of the master, the form is meant to be provided to on-shore and on-board medical personnel in the treatment of seafarers whose condition prevents them from speaking for themselves. The contents are confidential and are to be opened and used only in an emergency. The sealed envelope is returned to the seafarer upon disembarking from the vessel.
Attachment

14. Shipowner Liability (Regulation 4.2):

Owner/Operator Measures for Compliance:

Proof of the ability of the ship owner's obligation to cover the benefits described in DMLC Part 1 is satisfied by the certificate of insurance filed with VMSL and attached here (Attachment 4.2)

15. Health and safety and accident prevention (Regulation 4.3):

Owner/Operator Measures for Compliance:

As holder of a SOLAS Safety Management Certificates for all our vessels, our safety management systems provide procedures for assessing and mitigating risks, responding to emergencies, protection of the environment, reporting of incidents, and addressing nonconformities, evaluating trends, and continuous improvement. Internal audits and management reviews of the onboard system as well as external verification and client (industry) driven safety audits ensure the viability and effectiveness of our health, safety and accident prevention program.

We operate under a Permit to Work System. Routine activities have been subject to Risk Assessment and Standard Operating Procedures (SOPs) have been developed and prescribed which minimize risk. Where new activities are undertaken the activity is examined thru a Job Safety Analysis by those who will be performing the task. Adjustments are made to the procedure, the PPE requirements, or a Management of Change is initiated to further reduce risks or mitigate consequences.

16. On-board complaint procedures (Regulation 5.1.5):

Owner/Operator Measures for Compliance

The procedure for handling complaints relative to compliance with the ILO MLC 2006 is found in our Safety Management Manual as SOP-GEN-2015B. A copy of the procedure and forms for initiating a complaint are posted on board, and a file is maintained on board and in the office documenting disposition of all complaints and their resolution.

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: TDI Brooks International, Inc
.....
Company address: 14391 South Dowling Road...
.....College Station, Texas 77845 USA.....
Name of the authorized signatory:
.....Roger R. Fay, Ph.D.....
Title: ...Compliance Manager.....
Signature of the authorized signatory:

..... *Roger Fay*

Date:20 Feb. 2015.....
(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: *ADAMA SY*

Title: *MLC INSPECTOR*

Address: *VANUATU MARITIME SERVICES LTD*
30 BROADWAY, SUITE 2020
NEW YORK, NEW YORK 10005 USA

Signature: *[Signature]*



Place: *LIMBE, CAMEROON* ⁵⁰⁶

Date: *MARCH 23, 2016*

(Seal or stamp of the authority, as appropriate)