

Resolution on the proposal for a Council directive implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006 and amending Directive 1999/63/EC

2008/2660(RSP) - 16/02/2009 - Follow-up document

The Council adopted Directive 2009/13/EC implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC.

This Directive implements the Agreement on Maritime Labour Convention, 2006, concluded on 19 May 2008 between the organisations representing management and labour in the maritime transport sector (European Community Shipowners' Associations, ECSA and European Transport Workers' Federation, ETF).

This Directive came about because on 19 May 2008, the organisations wished to help create of a global level playing field throughout the maritime industry and concluded an Agreement on the Maritime Labour Convention, 2006. This Agreement and its Annex contain a joint request to the Commission to implement them by a Council decision on a proposal from the Commission, in accordance with Article 139(2) of the Treaty.

The Agreement applies to seafarers on board ships registered in a Member State and/or flying flag of a Member State. It amends the European Agreement on the organisation of working time of seafarers concluded in Brussels on 30 September 1998 by ECSA and the Federation of Transport Workers' Unions in the European Union (FST). The Agreement will enter into force simultaneously with the Maritime Labour Convention, 2006, and the social partners wish the national measures implementing the Directive to enter into force not earlier than on the date of entry into force of the Convention.

Member States may entrust management and labour, at their joint request, with the implementation of the Directive, as long as the Member States take all the necessary steps to ensure that they can at all times guarantee the results imposed by the Directive.

The Directive complies with the fundamental rights and principles set out in the Charter of Fundamental Rights of the EU and in particular with Article 31 which provides that all workers have the right to healthy, safe and dignified working conditions, to a limit on their maximum working time and to weekly and daily rest periods and an annual period of paid leave.

Lastly, it should be noted that the Directive and the Agreement lay down minimum standards. Member States and/or the social partners are able to maintain or introduce more favourable provisions.

