

Port State control: aligning the Directive to the Maritime Labour Convention requirements

2012/0062(COD) - 23/01/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Transport and Tourism adopted the report by Brian SIMPSON (S&D, UK) on the proposal for a directive of the European Parliament and of the Council amending Directive 2009/16/EC on port State control.

The committee recommends that the European Parliament's position adopted at first reading, under the ordinary legislative procedure, should amend the Commission proposal as follows:

Application of the Directive: Members aim to clarify that minimum international standards **do not provide any reason to undermine existing European standards** when those are higher. Other proposed amendments seek to align the text of the Port State Control Directive more closely with that of the **Maritime Labour Convention (MLC), 2006**.

Inspections: Members consider that it is necessary to **take account of the recommendations drawn up under the Paris Memorandum of Understanding**, by following the recommendations set out in the detailed guidelines for inspectors carrying out inspections under the MLC.

Non-conformity with the requirements of the Convention: Member propose a separate Article making clear that action should be taken whenever cases of non conformity with MLC requirements are identified, irrespective of whether these originate from a complaint.

Complaints: the amendments aim to **strengthen clauses concerning the confidentiality** of complaints so as to reduce the risk that seafarers may feel inhibited about lodging complaints for fear of subsequently suffering adverse consequences. The identity of the complainant shall not be revealed to the master or the shipowner of the ship concerned.

The amendments stipulate that a complaint by a seafarer alleging a breach of the requirements of the Convention (including seafarers' rights) may be reported to an inspector in the port at which the seafarer's ship has called. In such cases, the inspector shall undertake an **initial investigation** followed by a more **detailed investigation** if necessary.

The inspector shall, where appropriate, seek to promote a resolution of the complaint at ship-board level.

Where a complaint has not been resolved following action taken in accordance with the Directive, the port State shall transmit a copy of the inspector's report to the Director-General of the International Labour Organisation. **Statistics and information** regarding complaints that have been resolved shall be regularly submitted by the port State to the Director-General of the International Labour Organisation.

Suppression of deficiencies and detainment of ships : the amended text states that in the case of deficiencies which are clearly hazardous to safety, health, the environment or the security of seafarers, or where there is non-conformity which constitutes a serious or repeated breach of the requirements of the Convention (including seafarers' rights), the competent authority of the port State where the ship is being inspected shall ensure that the ship is detained or that the operation in the course of which the deficiencies are revealed is stopped.

If the ship is prevented from sailing, the inspector shall immediately notify the flag State accordingly and invite a representative of the flag State to be present, if possible, requesting the flag State to reply within a prescribed deadline.

Transposition: Members propose reducing from 12 months to **one month** the transposition period so that the Member States will be able to comply fully with the Directive on the date the Convention enters into force.

Delegated acts: the proposed amendments on this issue reflect Parliament's usual position that delegation should not be for an indefinite period but for a period of five years from

the date of entry into force of this Directive and that the Commission should report on how it has used its powers before an extension is considered.