

European Community Shipowners' Associations (ECSA)/European Transport Workers' Federation (ETF) Agreement on the Maritime Labour Convention, 2006: flag State responsibilities for the enforcement of Directive 2009/13/EC

2012/0065(COD) - 08/10/2013 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 599 votes to 54, with 15 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council concerning flag State responsibilities for the enforcement of Council 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.

The report had been sent back to the competent committee at the 13 March 2013 session.

Parliament adopted its position at first reading, following the ordinary legislative procedure.

The amendments adopted in plenary were the result of a compromise reached between the European Parliament and the Council. They amend the Commission proposal as follows:

Alignment with the Maritime Labour Convention, 2006: this Directive should ensure that Member States effectively discharge their obligations as flag States with respect to the implementation of the relevant parts of MLC 2006. As regards the term 'relevant parts of MLC 2006', this should mean the parts of MLC 2006 of which the content shall be considered as corresponding to the provisions in the Annex to Directive 2009/13/EC.

It is specified that MLC 2006 sets out minimum global standards to **ensure the right of all seafarers to decent living and working conditions**, irrespective of their nationality and irrespective of the flag of the ships on which they serve, and to establish a level playing field.

Monitoring of compliance: Member States should ensure that effective and appropriate enforcement and monitoring mechanisms, including **inspections at the intervals** provided for in MLC 2006, are established in order to ensure that the requirements of the relevant parts of MLC 2006 are met.

Member States should have the possibility to:

- **adapt the monitoring mechanisms**, including inspections, with respect to ships of less than 200 gross tonnage not engaged in international voyages;
- **authorise public institutions or other organisations**, including those of another Member State, if the latter agrees, which they recognise as having sufficient capacity, competence and independence, to carry out inspections. In all cases, a Member State shall remain fully responsible for the inspection of the living and working conditions of the seafarers concerned on ships that fly the flag of that Member State.

Member States should establish clear objectives and standards covering the administration of their inspection systems.

Personnel in charge of compliance monitoring: Member States should ensure that personnel have the training, competence, terms of reference, full legal authority, status and independence necessary or desirable to enable them to carry out that verification and to ensure compliance with the relevant parts of MLC 2006. Inspectors should be empowered to take steps, as appropriate, to **prohibit a ship from leaving port until necessary actions are taken**.

All authorisations granted with respect to inspections should, as a minimum, empower the recognised organisation to require the rectification of deficiencies that it identifies in seafarers' living and working conditions, and to carry out inspections in that regard at the request of a port State.

Each Member State should provide the International Labour Office with a current list of any recognised organisations authorised to act on its behalf, and shall keep this list up to date.

On-board complaint procedures: each Member State should ensure that, in its laws or regulations, appropriate on-board complaint procedures are in place. Personnel dealing with or becoming aware of complaints shall treat as confidential the source of any grievance or complaint.

Labour-supplying responsibilities: no later than five years after the date of entry into force of this Directive, the Commission should submit a report to the European Parliament and to the Council on the implementation and application of Regulation 5.3 of MLC 2006 regarding labour-supplying responsibilities. If appropriate, the report may include proposals for measures to enhance living and working conditions in the maritime sector.