

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) - 20/11/2013 - Final act

PURPOSE: to define the responsibilities of the port State concerning compliance with the Maritime Labour Convention (MLC), adopted in 2006 by the International Labour Organisation (ILO).

LEGISLATIVE ACT: Directive 2013/54/EU of the European Parliament and of the Council concerning certain flag State responsibilities for compliance with and enforcement of the Maritime Labour Convention, 2006 (MLC 2006).

CONTENT: the Directive establishes provisions aimed at ensuring that Member States fulfil their obligations as flag States with respect to the implementation, by ships flying their flag, of the relevant parts of Directive 2009/13/EC which transposed into EU law an important part of MLC 2006.

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.

The 2009 Directive which puts in place an agreement between the Union's social partners relating to the Convention does not cover implementation. The new Directive, which embodies part of the measures of the MLC relating to implementation, provides the following:

Monitoring of compliance: Member States shall ensure that **effective and appropriate enforcement and monitoring mechanisms, including inspections at the intervals provided for** are established in order to ensure that the living and working conditions of seafarers on ships flying their flag meet, and continue to meet, the requirements of MLC 2006.

The monitoring mechanisms, including inspections, may be adapted to take account of the specific conditions relating to ships of less than 200 gross tonnage not engaged in international voyages.

Personnel in charge of compliance monitoring: the Directive provides that the personnel, authorised to carry out inspections and in charge of verifying the proper implementation, must have **the professional competence and independence necessary**.

In accordance with MLC 2006, inspectors shall be empowered to take steps, as appropriate, to prohibit a ship from leaving port until necessary actions are taken.

Complaint procedures: each Member State shall ensure that 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.

Reports: no later than 31 December 2018, the Commission shall submit a report on the implementation and application of Regulation 5.3 of MLC 2006 regarding labour-supplying responsibilities. The report may include proposals for measures to enhance living and working conditions in the maritime sector.

ENTRY INTO FORCE: 30/12/2013.

TRANSPOSITION: no later than 31/03/2015.