

# Seafarers

2013/0390(COD) - 09/04/2015 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Employment and Social Affairs adopted the report by Elisabeth MORIN-CHARTIER (EPP, FR) on the proposal for a directive of the European Parliament and of the Council on seafarers amending Directives 2008/94/EC, 2009/38/EC, 2002/14/EC, 98/59/EC and 2001/23/EC.

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

**Social partner's agreement:** a new recital stipulates that the social partners in the maritime and fisheries sector have reached an agreement of vital importance for the proper implementation of this Directive. That agreement strikes a good balance between the need to improve seafarers' working conditions and the need to take proper account of the sector's specific features.

**Safe and secure conditions:** seafarers have a right to a safe and secure workplace, in which safety standards are complied with, and should have fair terms of employment and decent living and working conditions, including social protection and professional training. The Union should always strive to improve working and living conditions on board ships, and to exploit the potential for innovation in order to make the maritime sector more attractive to Union seafarers including young workers. Consequently, the Commission should draw up an agenda encouraging young workers to join the sector.

**Works Council:** it is stated that a member of a special negotiating body or the European Works Council, or his or her representative, who is a member of the crew of a seagoing vessel, shall be entitled to participate in meetings of the special negotiating body or European Works Council or any other meeting within the procedure established under the proposed Directive if he or she is not at sea or in a port in a State other than that in which the undertaking is domiciled when the meeting takes place.

**Using new technological developments to enhance remote communication:** with a view to maximising the chances of worker representation, use shall be made, wherever possible, of new information and communication technologies in cases where a member of a special negotiating body or a European Works Council or his or her representative, who is a member of the crew of a seagoing vessel is unable to attend a meeting.

**Scope:** this Directive shall apply to the transfer of a seagoing vessel that is part of a transfer of an undertaking, business, or part of an undertaking or business provided that the transferee is situated within the territorial scope of the Treaty, or the transferred undertaking, business, or part of an undertaking or business remains within the territorial scope of the Treaty.

This Directive shall not apply if the object of the transfer consists exclusively of one or more seagoing vessels.

**Deletion of specific derogations:** derogations concerning particular provisions of the crews of vessels plying the high sea provided in the proposal have been deleted.

In addition, the proposal provided that when projected collective redundancies of members of a crew, are carried out in connection with or deriving from a transfer of a seagoing vessel, Member States may, after consulting the social partners, grant the competent public authority the power to derogate, in full or in part, from the period provided for in Directive under certain circumstances: these derogations have been deleted.

Other derogations have been deleted concerning the application of Chapter II of the proposed Directive under certain circumstances.

**Non-regression clause:** the transposition of this Directive should not justify any regression regarding the situation which already prevails in a Member State.

**Entry into force:** the text shall be transposed in the Member States no later than 2 years after the date of entry into force (against 5 years as proposed by the Commission).