

# Seafarers

2013/0390(COD) - 08/07/2015 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 642 votes to 38, with 24 abstentions, a legislative resolution 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.

Parliament adopted its position at first reading following the ordinary legislative procedure. The amendment adopted in plenary amend the Commission proposal as follows:

Increase the number and quality of maritime jobs: a recital stipulated that there is a need for an increase in the number and quality of maritime jobs for citizens of the Union and the importance of improving working conditions on board, inter alia through investment in research, education, training, health and safety. The Union should

The Union should 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**.

**Take account of the common understanding reached by social partners:** another recital stipulates that in the framework of their social dialogue, the social partners in the maritime sector have reached a common understanding which is of major importance for this Directive. That common understanding 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.

**- Amendment to Directive 2008/94/EC on the protection of employees in the event of the insolvency of their employer:**

- **continue to exclude from the scope of the Directive:** it is provided that where such provision already applies in their national legislation, Member States may continue to **exclude domestic servants employed by a natural person** from the scope of this Directive.

**- Amendment to Directive 2002/14/EC establishing a general framework for informing and consulting employees:** the Article stipulating that Member States may derogate from this Directive through particular provisions applicable to the crews of vessels plying the high seas has been deleted.

The existence of, and/or possibility of introducing, exclusions may prevent seafarers from fully enjoying their rights to fair and just working conditions and to information and consultation, or limit the full enjoyment of those rights. Insofar as the existence of, and/or possibility of introducing, exclusions is not justified on objective grounds and seafarers are not treated equally, **provisions which allow such exclusions should be deleted**.

The present legal situation, existing in part as a result of the specific nature of the seafaring profession, gives rise to unequal treatment of the same category of workers by different Member States, according to whether or not they apply the exclusions and optional exclusions allowed by the legislation in force. A significant number of the Member States have made no, or only limited, use of those optional exclusions.

**- Amendments to Directive 2009/38/EC on the establishment of a European Works Council:**

- **possibility to participate in the Works Council:** it is stated that a member of a special negotiating body or of a European Works Council, or such a member's alternate, who is a member of the crew of a seagoing vessel, shall be entitled to participate in a meeting of the special negotiating body or of the European Works Council, or in any other meeting under any procedures established pursuant to the procedure laid down in the Directive, where that member or alternate is not at sea or in a port in a country other than that in which the shipping company is domiciled, when the meeting takes place;
- **use of new information and communication technologies:** meetings shall, where practicable, be scheduled to facilitate the participation of members or alternates, who are members of the crews of seagoing vessels. In cases where a member of a special negotiating body or of a European Works Council, or such a member's alternate, who is a member of the crew of a seagoing vessel, is unable to attend a meeting, the possibility of using, where possible, new information and communication technologies shall be considered.

**- Amendments to Directive 98/59/EC on collective redundancies:**

- **notification of a collective redundancy:** where the projected collective redundancy concerns members of the crew of a seagoing vessel, the employer shall notify the competent authority of the state of the flag which the vessel flies.

**- Amendment to Directive 2001/23/EC on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses:** the Directive shall apply to a 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, or the transferred undertaking, business, or part of an undertaking or business remains, within the territorial scope of the Treaty. It shall not apply where the object of the transfer consists exclusively of one or more seagoing vessels.

**Level of protection:** the implementation of this Directive shall under no circumstances constitute grounds for a reduction in the general level of protection of persons covered by this Directive, already afforded by the Member States in this field.

**Reporting:** the Commission shall submit a report to the European Parliament and to the Council on the implementation of this Directive at the latest four years after its entry into force.

**Transposition:** the text should be transposed in the Member States two years after its entry into force.