

# Seafarers

2013/0390(COD) - 06/10/2015 - Final act

**PURPOSE:** to improve working conditions for and consultation of seagoing workers.

**LEGISLATIVE ACT:** Directive (EU) 2015/1794 of the European Parliament and of the Council amending Directives 2008/94/EC, 2009/38/EC and 2002/14/EC of the European Parliament and of the Council, and Council Directives 98/59/EC and 2001/23/EC, as regards seafarers.

**CONTENT:** the Directive aims to **improve working conditions for seafarers** working on vessels flying the flag of one of the 28 EU Member States while taking proper account of the specific features of the maritime sector.

The Directive **amends five existing Directives** from the scope of which seafarers may be excluded. The five Directives in question are:

- [Directive 2008/94/EC](#) **relating to the protection of employees in the event of the insolvency of their employer:** the new Directive provides 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 the Directive;
- [Directive 2009/38/EC](#) **on the establishment of European Works Council:** the new Directive provides for (i) the possibility for seagoing workers to participate in works councils and (ii) examining the possibility of using new information and communication technologies in cases where a member of a European Works Council who is a member of the crew of a seagoing vessel, is unable to attend a meeting;
- [Directive 2002/14/EC](#) **establishing a general framework for informing and consulting employees:** the general clause enabling Member States to derogate from the Directive (regarding a general framework for informing and consulting employees) through particular provisions applicable to the crews of vessels plying the high seas, is deleted;
- [Directive 98/59/EC](#) **on the approximation of the laws of the Member States relating to collective redundancies:** this Directive will now include within its scope the crews of seagoing vessels. 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;
- [Directive 2001/23/EC](#) **relating to the safeguarding of employees' rights in the event of transfers of undertakings:** this Directive will now apply to a transfer of a seagoing vessel that is part of a transfer of an undertaking, 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. This Directive will not apply where the object of the transfer consists exclusively of one or more seagoing vessels.

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

The Directive will be implemented in accordance with the fundamental rights and principles recognised in the **Charter of Fundamental Rights of the European Union**, in particular the right to fair and just working conditions and to information and consultation within the undertaking.

**Commission report:** the Commission, after consulting Member States and the social partners at the Union level, shall submit a report on the implementation and application of the Directive by 10.10.2019.

ENTRY INTO FORCE: 9.10.2015.

TRANSPOSITION: 10.10.2017.