Regular passenger and ferry services: manning conditions

1998/0159(COD) - 29/04/1998 - Legislative proposal

PURPOSE: the proposal for a directive has two objectives: - to ensure fair competition conditions/level playing field for all providers of regular passenger-ferry services between Member States; - to protect the employment of Community seafarers by guaranteeing that the terms and conditions of employment of all seafaring personnel in this trade will be in line with the level of the standards generally applicable in the Community. CONTENT: the proposal, which is accompanied by a Commission communication, deals with the working conditions of third-country nationals employed on ferries which provide regular passenger services within Member States. The proposal provides that third-country nationals employed on board ships under Member States' flags shall be treated in a similar way as residents of Member States employed on board these ships (flag-state conditions). In the case of ferries under third-country flags, the labour conditions of such crew members shall be in line with those applicable to residents of Member States in the Member State with which the service is most closely connected (host State). The terms and conditions of employment guaranteed to third-country nationals under this proposal will cover hte following matters: maximum work periods and minimum rest periods, minimum annual paid holiday, minimum rates of pay, including overtime rates, health safety and hygiene at work, protective measures with regard to pregnant women, children and young people, equality of men and women, measures for the repatriation of seafarers and the payment of outstanding salary and social contributions in the event of th insolvency of their employer. The proposal allows for a derogation from this principle for third-country workers who stay for an insignificant short period in the Community.