

Basic information	
<b>2012/0065(COD)</b>  COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
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  See also Directive 2009/13/EC <a href="#">2008/2660(RSP)</a> See also <a href="#">2012/0062(COD)</a>  <b>Subject</b>  3.20.03.01 Maritime safety 4.15.04 Workforce, occupational mobility, job conversion, working conditions 4.15.15 Health and safety at work, occupational medicine	

Key players			
European Parliament	<b>Committee responsible</b>		<b>Rapporteur</b>
	<div>EMPL</div> Employment and Social Affairs		<a href="#">BERÈS Pervenche (S&amp;D)</a>  20/04/2012
			Shadow rapporteur  <a href="#">ŐRY Csaba (PPE)</a>  <a href="#">DE BACKER Philippe (ALDE)</a>  <a href="#">LAMBERT Jean (Verts /ALE)</a>  <a href="#">MCINTYRE Anthea (ECR)</a>  <a href="#">LE HYARIC Patrick (GUE /NGL)</a>
	<b>Committee for opinion</b>		<b>Rapporteur for opinion</b>
	<div>TRAN</div> Transport and Tourism		<a href="#">BACH Georges (PPE)</a>  18/06/2012
Council of the European Union	<b>Council configuration</b>		<b>Meetings</b>
	<a href="#">Economic and Financial Affairs ECOFIN</a>		3271
	<a href="#">Transport, Telecommunications and Energy</a>		3193
	<a href="#">Transport, Telecommunications and Energy</a>		3171
		<b>Date</b>	
			2013-11-15
			2012-10-29
			2012-06-07

European Commission	Commission DG	Commissioner
	Mobility and Transport	KALLAS Siim
European Economic and Social Committee		
European Committee of the Regions		

Key events			
Date	Event	Reference	Summary
23/03/2012	Legislative proposal published	COM(2012)0134 	Summary
29/03/2012	Committee referral announced in Parliament, 1st reading		
07/06/2012	Debate in Council		Summary
29/10/2012	Debate in Council		
24/01/2013	Vote in committee, 1st reading		
13/02/2013	Committee report tabled for plenary, 1st reading	A7-0037/2013	Summary
13/03/2013	Decision by Parliament, 1st reading	T7-0080/2013	Summary
13/03/2013	Results of vote in Parliament		
08/10/2013	Decision by Parliament, 1st reading	T7-0397/2013	Summary
08/10/2013	Results of vote in Parliament		
15/11/2013	Act adopted by Council after Parliament's 1st reading		
20/11/2013	Final act signed		
20/11/2013	End of procedure in Parliament		
10/12/2013	Final act published in Official Journal		

Technical information	
Procedure reference	2012/0065(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	See also Directive 2009/13/EC 2008/2660(RSP) See also 2012/0062(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 100-p2
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/7/09197

## Documentation gateway


### European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE494.689	17/09/2012	
Amendments tabled in committee		PE498.018	06/11/2012	
Committee opinion	TRAN	PE494.836	28/11/2012	
Committee report tabled for plenary, 1st reading/single reading		A7-0037/2013	13/02/2013	Summary
Text adopted by Parliament, partial vote at 1st reading /single reading		T7-0080/2013	13/03/2013	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0397/2013	08/10/2013	Summary

### Council of the EU

Document type	Reference	Date	Summary
Draft final act	00043/2013/LEX	20/11/2013	

### European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2012)0134 	23/03/2012	Summary
Commission response to text adopted in plenary	SP(2013)872	27/11/2013	

### National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	IT_SENATE	COM(2012)0134	11/05/2012	
Contribution	PT_PARLIAMENT	COM(2012)0134	16/05/2012	

### Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	
European Commission	EUR-Lex	

### Final act

# 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) - 13/02/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Employment and Social Affairs adopted the report by Pervenche BERÈS (S&D, FR) on the proposal for a directive of the European Parliament and of the Council concerning flag State responsibilities for the enforcement of Council Directive 2009/13/EC implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC.

The committee recommends that the position of the European Parliament adopted in first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

**Level of protection for workers:** Members specify that under no circumstances should the application and/or interpretation of this Directive lead to a reduction in the level of protection currently enjoyed by workers under Union legislation.

**Social Partners Agreement:** Council Directive 2009/13/EC implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention (MLC). Members consider that **the Agreement concluded between the social partners should be mentioned in this directive** since it contains the substance of the MLC, which is being transposed into EU law.

The proposed amendments aim to align the directive as accurately as possible with the relevant provisions of the MLC establishing rights for seafarers.

**Maritime labour certificate and declaration of maritime labour compliance:** the amendments aim to ensure that each State implements its responsibilities with respect to ships that fly its flag. In this respect, each Member State shall establish **an effective system for the inspection and certification of maritime labour conditions**, ensuring that the working and living conditions for seafarers on ships flying its flag meet, and continue to meet, the standards in that Convention. The interval between inspections shall in no case exceed three years.

**Authorisation of recognised organisation (MLC Regulation, Rule 5.1.2):** Members propose to include an express reference to the very specific provision of the MLC to ensure that recognised organizations and their staff carry out their monitoring tasks in the best possible way. Each Member State shall provide the International Labour Office with a current list of any recognised organisations that are authorised to act on its behalf. The list shall specify the functions that the recognised organisations have been authorised to carry out.

**Maritime labour certificate and declaration of maritime labour compliance (MLC Regulation, Rule 5.1.3.):** Members propose to introduce a provision requiring ships that fly the flag of a Member State to carry and maintain a maritime labour certificate certifying that the working and living conditions of seafarers on the ship, including the measures for ongoing compliance to be included in the declaration of maritime labour compliance, have been inspected and meet the requirements of national laws or regulations or other measures implementing Directive 2009/13/EC and the Social Partners Agreement annexed thereto.

**Inspection and enforcement (MLC Regulation, Rule 5.1.4):** the amendments state that each Member State must maintain a **system of inspection** of the conditions for seafarers on ships that fly its flag. A Member State shall appoint a sufficient number of qualified inspectors to fulfil it to this effect.

Inspectors, issued with clear guidelines as to the tasks to be performed and provided with proper credentials, shall be empowered:

- to board a ship that flies the flag of a Member State;
- to carry out any examination, test or inquiry which they may consider necessary in order to satisfy themselves that the standards are being strictly observed; and
- to require that any deficiency is remedied and, where they have grounds to believe that deficiencies constitute a serious breach of the requirements of Directive 2009/13/EC.

Inspectors shall be **prohibited from having any direct or indirect interest** in any operation that they are called upon to inspect. The competent authority of each Member State shall maintain **records of inspections** of the conditions for seafarers on ships that fly its flag and shall publish an annual report on inspection activities within a reasonable time, not exceeding six months, after the end of the year.

**On-board complaint procedures (MLC Regulation, Rule 5.1.5.):** Members suggest that it is necessary to incorporate more detailed provisions with regard to complaints. Member States should, for example:

- require that ships that fly its flag have on-board procedures for the fair, effective and expeditious handling of seafarer complaints alleging breaches of the requirements of Directive 2009/13/EC;

- prohibit and penalise any kind of victimisation of a seafarer for filing a complaint.

On board complaint procedures shall seek to resolve complaints **at the lowest level possible**. However, in all cases, seafarers shall have a right to complain directly to the master.

The seafarer shall have the **right to be accompanied or represented** during the complaints procedure, as well as safeguards against the possibility of victimization of seafarers for filing complaints. They shall receive a copy of the on-board complaint procedures applicable on the ship, in addition to a copy of their seafarers' employment agreement.

**Labour-supplying responsibilities, (MLC Regulation, Rule 5.3)** the proposed amendments aim to ensure that Member States implement their responsibilities regarding recruitment and placement and the social protection of their seafarers.

## 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) - 13/03/2013 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament **adopted amendments** to the proposal for a directive of the European Parliament and of the Council concerning flag State responsibilities for the enforcement of Council Directive 2009/13/EC implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC.

**The matter has been referred for reconsideration to the competent committee** and the vote on the legislative resolution was put back to a later session.

The amendments adopted in plenary aim to **align the directive as accurately as possible with the relevant provisions of the Maritime Labour Convention 2006 MLC establishing rights for seafarers**. They amend the Commission proposal as follows:

**Level of protection for workers:** Parliament wanted to clarify that under no circumstances should the application and/or interpretation of the Directive lead to a **reduction in the level of protection currently enjoyed by workers under Union legislation**. It also stresses the Agreement concluded between the social partners annexed to Directive 2009/13/EC **should be mentioned** in this directive since it contains the substance of the MLC, which is being transposed into EU law.

**Certificate and declaration of maritime labour compliance:** the amendments aim to transpose Rule 5.1.1 of the MLC to ensure that each State implements its responsibilities with respect to ships that fly its flag. In this respect, each Member State shall establish an **effective system for the inspection and certification** of maritime labour conditions, ensuring that the working and living conditions for seafarers on ships flying its flag meet, and continue to meet, the standards in that Convention.

A maritime labour certificate, complemented by a declaration of maritime labour compliance, shall **constitute prima facie evidence** that the ship has been duly inspected by the Member State whose flag it flies and that the requirements of Directive 2009/13/EC relating to working and living conditions of the seafarers have been met to the extent certified.

The interval between inspections **shall in no case exceed three years**.

**Authorisation of recognised organisation (MLC Regulation, Rule 5.1.2):** Members propose to include an express reference to the very specific provision of the MLC to ensure that recognised organizations and their staff carry out their monitoring tasks in the best possible way.

Any authorisations granted with respect to inspections shall, as a minimum, empower the recognised organisation to **require the deficiencies that it identifies in seafarers' working and living conditions to be rectified** and to carry out inspections in this regard at the request of a port State.

Each Member State shall provide the International Labour Office with **a current list of any recognised organisations** that are authorised to act on its behalf. The list shall specify the functions that the recognised organisations have been authorised to carry out.

**Maritime labour certificate and declaration of maritime labour compliance (MLC Regulation, Rule 5.1.3.):** Parliament proposes to introduce a provision requiring ships that fly the flag of a Member State to **carry and maintain** a maritime labour certificate certifying that the working and living conditions of seafarers on the ship, including the measures for ongoing compliance to be included in the declaration of maritime labour compliance, have been inspected and meet the requirements of national laws or regulations or other measures implementing Directive 2009/13/EC and the Social Partners Agreement annexed thereto.

**Inspection and enforcement (MLC Regulation, Rule 5.1.4):** the amendments state that each Member State must maintain a **system of regular inspections** of the conditions for seafarers on ships that fly its flag. A Member State shall appoint a sufficient number of **qualified inspectors** to fulfil it to this effect.

Inspectors, issued with clear guidelines as to the tasks to be performed and provided with proper credentials, shall be empowered:

- to board a ship that flies the flag of a Member State;

- to carry out any examination, test or inquiry which they may consider necessary in order to satisfy themselves that the standards are being strictly observed; and
- to require that any deficiency is remedied and, where they have grounds to believe that deficiencies constitute a serious breach of the requirements of Directive 2009/13/EC.

Inspectors shall be **prohibited from having any direct or indirect interest** in any operation that they are called upon to inspect. Inspectors shall submit a **report of each inspection** to the competent authority of the Member State, which shall maintain **records of inspections** of the conditions for seafarers on ships that fly its flag and shall publish an **annual report** on inspection activities within a reasonable time, not exceeding six months, after the end of the year.

**On-board complaint procedures (MLC Regulation, Rule 5.1.5.):** Members suggest that it is necessary to incorporate more detailed provisions with regard to complaints. Member States should, for example:

- require that ships that fly its flag have on-board procedures for the **fair, effective and expeditious handling of seafarer complaints** alleging breaches of the requirements of Directive 2009/13/EC;
- prohibit and penalise any kind of **victimisation of a seafarer** for filing a complaint.

On board complaint procedures shall seek to resolve complaints **at the lowest level possible**. However, in all cases, seafarers shall have a right to complain directly to the master.

The seafarer shall have the **right to be accompanied or represented** during the complaints procedure, as well as safeguards against the possibility of victimization of seafarers for filing complaints. They shall receive a copy of the **on-board complaint procedures** applicable on the ship, in addition to a copy of their seafarers' employment agreement.

**Labour-supplying responsibilities, (MLC Regulation, Rule 5.3):** the proposed amendments aim to ensure that Member States implement their responsibilities regarding recruitment and placement and the social protection of their seafarers.

## 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) - 08/10/2013 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 599 votes to 54, with 15 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council concerning flag State responsibilities for the enforcement of Council Directive 2009/13/EC implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC.

The report had been sent back to the competent committee at the 13 March 2013 session.

Parliament adopted its position at first reading, following the ordinary legislative procedure.

The amendments adopted in plenary were the result of a compromise reached between the European Parliament and the Council. They amend the Commission proposal as follows:

**Alignment with the Maritime Labour Convention, 2006:** this Directive should ensure that Member States effectively discharge their obligations as flag States with respect to the implementation of the relevant parts of MLC 2006. As regards the term 'relevant parts of MLC 2006', this should mean the parts of MLC 2006 of which the content shall be considered as corresponding to the provisions in the Annex to Directive 2009/13/EC.

It is specified that 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.

**Monitoring of compliance:** Member States should ensure that effective and appropriate enforcement and monitoring mechanisms, including **inspections at the intervals** provided for in MLC 2006, are established in order to ensure that the requirements of the relevant parts of MLC 2006 are met.

Member States should have the possibility to:

- **adapt the monitoring mechanisms**, including inspections, with respect to ships of less than 200 gross tonnage not engaged in international voyages;
- **authorise public institutions or other organisations**, including those of another Member State, if the latter agrees, which they recognise as having sufficient capacity, competence and independence, to carry out inspections. In all cases, a Member State shall remain fully responsible for the inspection of the living and working conditions of the seafarers concerned on ships that fly the flag of that Member State.

Member States should establish clear objectives and standards covering the administration of their inspection systems.

**Personnel in charge of compliance monitoring:** Member States should ensure that personnel have the training, competence, terms of reference, full legal authority, status and independence necessary or desirable to enable them to carry out that verification and to ensure compliance with the relevant parts of MLC 2006. Inspectors should be empowered to take steps, as appropriate, to **prohibit a ship from leaving port until necessary actions are taken**.

All authorisations granted with respect to inspections should, as a minimum, empower the recognised organisation to require the rectification of deficiencies that it identifies in seafarers' living and working conditions, and to carry out inspections in that regard at the request of a port State.

Each Member State should provide the International Labour Office with a current list of any recognised organisations authorised to act on its behalf, and shall keep this list up to date.

**On-board complaint procedures:** each Member State should ensure that, in its laws or regulations, 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.

**Labour-supplying responsibilities:** no later than five years after the date of entry into force of this Directive, the Commission should submit a report to the European Parliament and to the Council on the implementation and application of Regulation 5.3 of MLC 2006 regarding labour-supplying responsibilities. If appropriate, the report may include proposals for measures to enhance living and working conditions in the maritime sector.

## 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.

## 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) - 23/03/2012 - Legislative proposal

**PURPOSE:** to establish provisions in order to ensure that Member States effectively discharge their obligations as flag States to monitor compliance of ships flying their flag with Directive 2009/13/EC.

**PROPOSED ACT:** Directive of the European Parliament and of the Council.

**BACKGROUND :** on 23 February 2006, the International Labour Organisation adopted the **Maritime Labour Convention, (MLC)**, desiring to create a single, coherent instrument embodying as far as possible all up-to-date standards of existing international maritime labour Conventions and Recommendations, as well as the fundamental principles to be found in other international labour conventions.

The MLC, adopted in 2006, provides **comprehensive rights and protection at work for all seafarers** regardless of their nationality and the flag of the ship. It aims to both achieve decent working conditions for seafarers and secure fair competition for quality shipowners. It sets out seafarers' rights to decent conditions of work on a wide range of subjects, and has been designed to be globally applicable, easily understandable, updatable and uniformly enforced. Council Decision 2007/431/EC has authorised the Member States to ratify the Convention. Member States should ratify it as soon as possible.

**Council Directive 2009/13/EC** implements the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amends Directive 1999/63/EC.

Directive 2009/13/EC was adopted on the basis of Article 155 of the Treaty. Since agreements concluded by virtue of Article 155 of the Treaty to be implemented by Council decisions can only cover matters defined by Article 153 of the Treaty, certain provisions of the Convention relating to flag State responsibilities for the enforcement of the Convention could not be part of the social agreement implemented by Directive 2009/13/EC. Those provisions should be integrated into Union law by virtue of this Directive.

This proposal is closely associated with the [proposal for a directive](#) of the European Parliament and of the Council amending Directive 2009/16/EC on port State control.

**IMPACT ASSESSMENT:** a full public consultation offered an opportunity for Member States and stakeholders to express their views in June 2011. There was a general consensus on the need for updating the legislation related to flag State and port State in order to enforce the MLC requirements. The specific positive effects which were underlined consisted of reinforcing maritime safety, improving quality shipping, making the conditions of competition fairer between EU and non EU operators and between EU and non EU flags. Stakeholders also mentioned the better job quality for all seafarers.

**LEGAL BASIS:** Article 100(2) TFEU.

**CONTENT:** the national flag constitutes the primary source of State responsibility for a ship.

Flag States are required to ensure that their ships comply with the standards accepted by flag States under international law and conventions, in particular with international minimum standards. Directive 2009/21/EC seeks to ensure that the flag of all EU Member States have good standing (not being blacklisted...) and to incorporate the International Maritime Organisation (IMO)'s flag State audit scheme into EU law and to introduce the quality certification of the national maritime authorities.

This proposal has different purposes. It does not refer to any IMO procedures but lays down principles to monitor the application of Directive 2009/13/EC taking up some of the Maritime Labour Convention standards. For the sake of clarity, it is preferable to have a separate text.

In concrete terms, the proposal:

- aims to ensure that the EU flag States **meet their responsibilities** in applying and enforcing Directive 2009/13/EC ;
- refers to the **definition of "ship" and "shipowner"** based on the MLC definition and used in Directive 2009/13 to avoid any discrepancy between the standards and the implementation measures ;
- lays down the obligation for flag State to establish **mechanisms for inspection** and to ensure the compliance of its ships with Directive 2009/13/EC ;
- refers to **professional qualifications and independence of staff** in charge of verification so that the matters covered by Directive 2009/13/EC are rightly applied on board vessels flying the flags of the Member States concerned;
- deals with the **complaints** on board EU flagged ships and lays down the principles and procedure to be followed by the flag States competent staff.

Further to [Joint Political Declarations](#), the Commission is now considering the need for explanatory documents on a case-by-case basis. By virtue of the principle of proportionality, explanatory documents have not been deemed justified in the present proposal since the proposal modifies only a limited number of legal obligations of an existing directive. Thus, the present proposal does not include the recital on explanatory documents.

**BUDGETARY IMPLICATIONS:** the proposal has no implications for the EU budget.



# 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) - 07/06/2012

The Council took note of the **state of play** on two proposals for directives laying down the **responsibilities of flag states**, on the one hand, and **port states**, on the other, as regards the enforcement of the Maritime Labour Convention adopted in 2006 by the International Labour

Organisation (ILO).

The Council's preparatory bodies have only recently started discussion of the Commission proposals. The progress report drawn up by the presidency shows that **member states generally welcomed the proposals**, although **concerns** were expressed regarding :

the absence of impact assessments;

the necessity to avoid putting additional administrative burdens on public administrations and the shipping industry at this time of economic crisis;

the need to bring the text of the draft Directives more in line with MLC 2006 by incorporating, in certain instances, its exact wording.

Some delegations took the floor to highlight **certain issues** mentioned in the progress report.

## **With regard to the flag state proposal :**

There is a request for a possible exemption from regular inspections for **smaller ships**.

A number of delegations have questioned the absence of a possibility to exempt ships of less than 200 GT from regular inspections. They argue that such exemptions are provided for in MLC 2006.

One delegation has requested that the scope of the Directive be enlarged and that it should tackle issues such as shipowner's liabilities, certification procedures for vessels, manning companies, social security and minimum staffing levels as well.

Concerning the **transposition deadline**, a number of delegations have asked for a longer period (18 months instead of 12 months as proposed by the Commission).

The Presidency will further reflect on whether it would be appropriate to provide for more flexibility when it comes to checks and monitoring mechanisms for smaller ships (less than 200 GT). The Presidency will also propose to extend the transposition period from 12 to 18 months in line with the requests of delegations.

Ministers instructed the Council's preparatory bodies to continue examination of the proposals.