

International Workshop on Maritime Labour Convention, 2006

Directive 2009/16/EC amendments due to
MLC, 2006

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- **Amending 2009/16/EC to include requirements from MLC, 2006 regarding port State control**
- **Entered into force 12 August 2013**
- **Was to be transposed by 21 November 2014**

Article 2 “Definitions”

- **Deletion of the reference to Convention ILO147**
- **Inclusion of:**
 - **MLC, 2006**
 - **Maritime labour certificate**
 - **Declaration of maritime labour compliance**
 - **Paragraph defining that all references to Conventions, codes/resolutions, certificates/documents are to the up-to-date version**

Article 3 “Scope”

- Inclusion of “not more favourable”

3. When inspecting a ship flying the flag of a State which is not a party to a Convention, Member States shall ensure that the treatment of that ship and its crew is not more favourable than that of a ship flying the flag of a State party to that Convention. Such ship shall be subject to a more detailed inspection in accordance with procedures established by the Paris MOU.

Article 17 “Report of inspection to the master”

- Inclusion of reporting requirements to seafarers’ and shipowners’ organisations and ILO

Article 18 “Complaints”

- Inclusion not to reveal the identity of a complainant

Article 18a “Onshore MLC 2006 complaint-handling procedures

- Inclusion of a new article to detail procedures in view of the complaint procedures

Article 19 “Rectification and detention”

- Inclusion that a ship should be detained in case of hazardous living and working condition
- Inclusion that the detention should only be lifted after deficiencies have been rectified or a plan of action has been accepted
- Inclusion of reporting obligation in case of a detention related to MLC, 2006

Annex I, Part II, point 2B “Unexpected factors”

- Amendment to an unexpected factor regarding complaints to include “onshore complaint”**
- Inclusion that the implementation of the plan of action has not been checked**

Annex IV “List of certificates and documents”

Amendments to or inclusion of:

- **Medical certificates**
- **Table of shipboard working arrangements**
- **Records of hours of work and rest of seafarers**
- **Maritime labour certificate**
- **Declaration of maritime labour compliance, parts I and II**

Annex V “ Examples of clear grounds”

Inclusion of the following:

- The documents required under MLC 2006 are not produced or maintained or are falsely maintained or the documents produced do not contain the information required by MLC 2006 or are otherwise invalid.
- The living and working conditions on the ship do not conform to the requirements of MLC 2006.
- There are reasonable grounds to believe that the ship has changed flag for the purpose of avoiding compliance with MLC 2006.
- There is a complaint alleging that specific living and working conditions on the ship do not conform to the requirements of MLC 2006.

Annex X “Criteria for detention of a ship”

Inclusion of the following:

- The conditions on board are clearly hazardous to the safety, health or security of seafarers.
- The non-conformity constitutes a serious or repeated breach of the requirements of MLC 2006 (including seafarer’s rights) relating to the living and working conditions of seafarers on the ship, as stipulated in the ship’s maritime labour certificate and declaration of maritime labour compliance.



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