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Training on Maritime Labour Convention

The on-going EU actions to enforce the relevant provisions of the MLC and Directive 2009/13/EC

EMSA 12-13 June 2012

General principles of the Maritime Labour Convention

National provisions implementing the MLC

- National determinations
- National flexibility
- National inspection system
- Possible delegation to Recognised Organizations

Flag state inspection and certification

- Application to all ships, mandatory for ships 500 GT and above
- Requests for certification by shipowners for ships not subject to it
- Maritime Labour Certificate (Regulation 5.1.3)
- Interim Maritime Labour Certificate (Regulation 5.1.3)
- Declaration of Maritime Labour Compliance (DMLC) (Regulation 5.1.3)

500 GT or above

On international Voyages

↓

Inspected and certified

On national Voyages

↓

Certified on shipowner's request/ inspected

Below 500 GT

Inspected (always) and certified (on ship-owner request)

↓

14 areas to be certified

(Appendix A5.1)

14 Areas to be certified by virtue of the MLC

- Minimum age
- Medical certification
- Qualifications of seafarers
- Seafarers' employment agreements
- Use of any licensed or certified or regulated private recruitment and placement service
- Hours of work or rest
- Manning levels for the ship
- Accommodation
- On-board recreational facilities
- Food and catering
- Health and safety and accident prevention
- On-board medical care
- On-board complaint procedures
- Payment of wages

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The MLC provisions taken up in Directive 2009/13/EC

- 1.1 minimum age
- 1.2 medical certificate
- 1.3 training & qualifications
- 2.1 seafarer's employment agreements
- 2.3 hours of works
- 2.4 entitlement to leave
- 2.5 repatriation
- 2.6 seafarer compensation for ship's loss or foundering
- 2.7 manning levels
- 2.8 employment in the maritime sector
- 3.1 accommodation & recreational facilities
(only provisions on mosquitoes devices, (standard 3.1§16), recreational facilities (S3.1§17), inspection of hygiene conditions (S3.1§18)
- 3.2 food & catering
- 4.1 medical care on board ship and ashore
- 4.2 shipowners'liability
- 4.3 health and safety protection and accident prevention (only references to general obligations of states and to international instruments)
- 4.4 access to shore-based welfare facilities

Areas left out of Directive 2009/13/EC

- *Recruitment and placement (MLC, Title I, section 1.4)*
- *Wages (MLC, Title II, section 2.2)*
- *Accommodation (MLC, Title III not taken up except S3.1§16; S3.1§17 and S3.1§18)*
- *Social security (MLC, Title IV, Section 4.3 except references to general obligations and reference to international instruments and S4.5)*

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Transport

The proposals of the Commission

- Proposal for a Directive 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

- Proposal for a Directive amending Directive 2009/16/EC on port State control

Proposal for a Directive concerning flag State responsibilities for the enforcement of Council Directive 2009/13/EC implementing the Agreement concluded by the ECSA and ETF on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC

Main principles

- *A separate instrument from Directive 2009/21/EC*
- *Enforcing Directive 2009/13/EC*
- *Obligations to establish mechanisms for inspection and monitoring*
- *Qualified staff*
- *Specific duties to deal with complaints related to Directive 2009/13/EC*

Proposal for a Directive amending Directive 2009/16/EC on port State control

Complement the existing regime:

- New documents to control:

- *The maritime labour certificate*
- *The declaration of maritime labour compliance*

- Specific provisions for complaints

- *Reflect the MLC procedure for complaints*
- *Not appropriate to extend the MLC rules to all types of complaints*

Adapt the Comitology rules further to the Lisbon treaty

Exercise of delegation

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Thank You
for your attention

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