

Training on MLC

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EMSA
25-26 November 2013

EU Legislation

The basic aims of the MLC, 2006 are

- to ensure comprehensive worldwide protection of the rights of seafarers (the Convention is sometimes called the seafarers' **Bill of Rights**);
- to establish a **level playing field** for **countries** and **shipowners** committed to providing decent working and living conditions for **seafarers**, protecting them from unfair competition on the part of substandard ships with the **"no more favourable treatment clause"**.

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The regulations are organised into general areas under 5 Titles

- **Title 1:** *Minimum requirements for seafarers to work on a ship*
- **Title 2:** *Conditions of employment*
- **Title 3:** *Accommodation, recreational facilities, food and catering*
- **Title 4:** *Health protection, medical care, welfare and social security protection*
- **Title 5:** *Compliance and enforcement*

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Enforcement: MLC and DMLC

- - All ships of 500 tons and above engaged in international trade will need:
 - Maritime Labour Certificate (MLC)
 - Declaration of Maritime Labour Compliance(DMLC)
- *All ships within the scope of the MLC 2006 shall be inspected by the flag State authorities.*
- - *Ships from non-ratifying states shall be met by*
- *the "**No more favourable treatment**" clause*
- *when entering the ports of a ratifying state*

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Action of the EU and its MS:

- **2007:** move towards rapid **ratification** of the MLC by Member States (Council Decision of 7/6/2007 authorising MS to ratify, in the interests of the European Community, the MLC, 2006, of the ILO (2007/431/EC)
- **Social partners' agreement** attached to Directive 2009/13/EC for transposing key elements of the MLC in EU law;
- **Ensure** the effective enforcement of the new rules by means of adequate measures, including **flag** and **port State control** requirements.

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MS ratification of the MLC, 2006

- **10 By 22 August 2012:**
 - BG, CY, DK, HR, LV, LU, NL, PL, ES, SE
- **9 Since 22 August 2012:**
 - BE, DE, EL, FI, FR, HU, MT, LT, UK
- **8 Not ratified:**
 - CZ, EE, IE, IT, PT, RO, SI, SK
- **1: No intention to ratify:**
 - AT (declaration at Council 18/9/2013)

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EU vision

Human (working and living conditions)

MLC, 2006

Social Dialogue

Health and
Safety
e.g. noise levels

Training

STCW
Convention
Improve
training quality
and capacity

Level playing field

Flag States
responsibilities
PSC
STCW 3rd
country
recognition

PERFORMANCE
SAFETY
QUALITY

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Actions

**Two EU Directives aiming at providing the
MLC, 2006 with appropriate EU
enforcement means:**

- **Flag State responsibilities (FSR) on
enforcement of Directive 2009/13,**
- **Inclusion of the MLC within the EU
Directive on Port State control
2009/16**

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Proposal for a Directive concerning

Flag State responsibilities for the enforcement of Directive 2009/13/EC

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Current EU social/Flag legislations

- Council Directive 94/33 EC of 22 June 1994 on the protection of **young people** at work
- Directive 1999/63/EC concerning the Agreement on the organisation of **working time** of seafarers
- Directive 2009/13 implementing the **Agreement** on the MLC
- Directive 2009/21/EC on compliance with **flag** State requirements (including the MLC)

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Directive 2009/13 Transposing the Agreement on the MLC

- Includes the relevant provisions of the MLC establishing rights for seafarers contained in its Titles I, II, III and IV
- Title V of the MLC: Enforcement and compliance (Flag State responsibilities, RO, Certification, Inspection, complaints, PS responsibilities, Labour-supplying responsibilities)

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Enforcing Directive

- Directive 2013/.../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

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Content of the proposal

- **Article 1:** EU flag States to meet their responsibilities in applying and enforcing Dir. 2009/13 + non regression clause
 1. Vessels below 200 GT not engaged in international voyages are included
 2. Medical certificates free of charge and in full confidentiality
 3. Guarantee that the minimum period of paid leave may not be replaced by an allowance
 4. EU more favourable health and Safety legislations

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Content of the proposal

- **Article 2:** definitions "relevant parts of the MLC 2006" which shall be considered as corresponding to the provisions in the Annex to Directive 2009/13
- **Article 3:** reference to more regular inspections, requirements regarding competence and quality of organisations in charge of inspection, text of Directive 2009/13 to be available on board at least electronically

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Content of the proposal

Article 4: Personnel in charge of compliance monitoring

references to Recognised Organisations (RO) and personnel in charge of compliance and verification, possibility of ship detention, transmission of the lists of RO to the ILO,

Article 5: On-board complaint procedures, handling of complaints and corrective measures,

Article 6: Dir. 2009/21 and labour supplying responsibilities - 5 years report

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Flag States inspections

- Guidelines for flag State inspections under the Maritime Labour Convention, 2006:
- http://www.ilo.org/global/standards/maritime-labour-convention/WCMS_101788/lang--en/index.htm;

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Directive 2013/.../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

Next steps

- 1st Special **Tripartite** Committee in Geneva from 7 to 11 April 2014
- **Scope of Directive 2009/21** : Commission report concerning the implementation of this Directive to include the MLC as well as IMO conventions
- **Labour supplying responsibilities** : Terms of Reference of a call for tenders have been published, the Commission expects to receive a detailed study on this issue

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Thank you