

EU Directives, MLC, 2006, ILO147

What applies, and when?



MSs for which the MLC, 2006 is in force

- Belgium
- Bulgaria
- Canada
- Croatia
- Cyprus
- Denmark
- Finland
- France
- Germany
- Greece
- Latvia
- Lithuania
- Malta
- Netherlands
- Norway
- Poland
- Russian Federation
- Spain
- Sweden
- UK (B, CAY, GIB, IOM)

→ 20 out of 27 MSs

What shall these MSs do

- Enforce Title 1 to 4 of MLC, 2006
- Apply 'no more favourable treatment' to ships flying a flag which has not ratified the MLC, 2006

What shall these MSs not do

- Enforce ILO147 and P147

MSs for which the MLC, 2006 will come into force in the near future (MSs ratified the MLC, 2006)

- Italy 19-11-2014
- Ireland 21-07-2015

→ 2 out of 27 MSs

**On 21 July 2015 => 22 out of 27 MSs shall enforce the
MLC, 2006**

What shall these MSs do

- Enforce ILO147 and the P147
(if ratified by the MS)
until MLC, 2006 will come into force

What shall these MSs not do

- Enforce Title 1 to 4 of MLC, 2006
as long the MLC, 2006 is not in force

MSs for which the MLC, 2006 will not come into force yet (MSs did not ratify the MLC, 2006 yet)

- Estonia
- Iceland
- Portugal
- Romania
- Slovenia

➔ 5 out of 27 MSs

What shall these MSs do

- Enforce ILO147 and the P147
(if ratified by the MS)

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What shall these MSs not do

- Enforce Title 1 to 4 of MLC, 2006

EU-MSs in view of 2013/38 amendment to EU Directive 2009/16/EC on PSC

(3) **MSs, when performing PSC inspections**
in accordance with Directive 2009/16/EC of the European Parliament and of the
Council of 23 April 2009 on PSC in relation to
matters covered by Conventions which they have not yet ratified
and which stipulate that every ship is subject to control by
officers duly authorised when in a port of another
contracting State or Party, should make every effort to
comply with procedures and practices under those
Conventions and should thus
refrain from making reports
relevant to PSC to the IMO and/or the ILO ...

EU MS in view of 2013/38 amendment to EU Directive 2009/16/EC on PSC

(3) ... Member States

which have not yet

ratified an international convention covered by Directive 2009/16/EC at the time of its entry into force should make every effort to

establish similar conditions on board their ships
in accordance with the requirements of that Convention

Note: Very much open to interpretation & national arrangements

EU MS in view of 2013/38 amendment to EU Directive 2009/16/EC on PSC

Article 3.5 Measures adopted to give effect to this Directive shall not lead to a reduction in the general level of protection of seafarers under Union social law in the areas to which this Directive applies, as compared to the situation which already prevails in each MS.

In implementing those measures, if the competent authority of the port State becomes aware of a

clear violation of Union law on board ships flying the flag of a MS,
it shall, in accordance with national law and practice, forthwith
inform any other relevant competent authority
in order for further action to be taken as appropriate.'

Note: Very much open to interpretation & national arrangements

EU MS in view of 2013/38 amendment to EU Directive 2009/16/EC on PSC

Entry into force: 20 August 2013

→ Legally it can be used by those having ratified
the MLC, 2006

Deadline transposition: 21 November 2014

→ Applicable to ALL EU-MSs,
imposing EU rules on those
that have not ratified the MLC, 2006

Note: Very much open to interpretation & national arrangements

Common mistakes found in THETIS

- MSs which **ratified** the MLC, 2006 and (try to) report deficiency codes for ILO147 (09XXX)
- MSs which **did not** ratify the MLC, 2006 and (try to) report deficiency codes for the MLC, 2006 (18XXX)
- ILO147 Convention reference reported for deficiency codes 18XXX
- MLC, 2006 Convention reference reported for deficiency codes 09XXX
- MLC, 2006 Convention reference reported for deficiency codes covering other Conventions