

SAFEMED III Seminar on the Maritime Labour Convention 2006

Lisbon, 25 and 26 November 2013

Summary report

1st day of the meeting (25 November 2013)

The SAFEMED III Seminar on the Maritime Labour Convention 2006 took place on the 25 and the 26 November 2013 at the European Maritime Safety Agency (EMSA) premises in Lisbon.

The seminar was attended by six beneficiary countries of the SAFEMED III project (cf. list of participants).

The meeting was opened by Mr Giuseppe Russo, EMSA's Senior Project Officer for Training and Cooperation, who welcomed participants and speakers. Mr Russo highlighted the link between the Maritime Labour Convention 2006 (MLC), the seafarers' working and living conditions and the enhancement of the maritime safety standards. Mr Russo also mentioned the importance of the national provisions and the key role and tasks of the national competent authorities in the implementation of the Convention. Then, participants and speakers introduced themselves during *tour de table*. Participants briefly presented the state of the play with regard to the implementation of the Maritime Labour Convention in their countries. The delegates from Morocco specified that Morocco ratified the MLC in 2012 and that it came into force in September 2013.

Mr Dominique Devlin, ILO International Labour Standards Department, gave a thorough insight into the background of the Convention and its general structure. He notably explained the meaning of the terms "seafarers", "ship-owner" and "ship" in the MLC and also clarified the specific nature of the MLC, being a tripartite instrument. Mr Devlin introduced then the ILO inspection guidelines for the Flag and Port States with regard to the implementation of the MLC.

Mr Nikolaos Katsoulis, EMSA's Project Officer on Training and Cooperation, delivered presentation on the European Directives concerning the Flag State responsibilities for the enforcement of the labour standards within the European Union, focusing on the differences between the international (ILO) and European legislations. He also explained that those EU Member States who did not ratify the MLC will still have to comply with the standards imposed by it as they will be bound by the European instrument incorporating them.

Mr Jaime Gonzalez, EMSA's Project Officer, presented the Proposal of European Directive amending Directive 2009/16/EC on port State control. He notably stressed that non-ratification of the MLC by a Flag State would be a ground for a more detailed inspection by Port State Control officers.

Mrs Anna Mihneva-Natova, Director of Directorate “European Union, International Relations and Projects”, Bulgarian Maritime Administration, provided an example of the implementation of the MLC requirements into the Bulgarian legislation. She recalled that Bulgaria ratified the MLC in 2009 and that the Convention entered into force in Bulgaria on the 20 August 2013. She stressed the difficulties encountered during the transposition of the MLC rules into the national legislation, related notably to the general phrasing of some provisions, such as “equivalent appropriate measures”.

Mrs Jasmin Denhoorn, Germanischer Lloyd SE, presented the point of view of the Recognised Organisations on the implementation of the MLC. She notably underlined the relationship between the Flag State and the Recognised Organisations (ROs) with regard to the functions that the ROs conduct on behalf of the Flag States. She then presented the inspection and certification process and a breakdown of the deficiencies. Mrs Denhoorn also explained that failing to implement properly the MLC requirements (for instance, to provide further determination of vague expressions (such as adequate, sufficient, appropriate, frequent); or not specifying the evidence to be available on board the vessel for demonstrating compliance with the MLC, leads to creating difficulties and challenges for the ship owners and ROs.

2nd day of the meeting (26 November 2013)

The second day of the seminar was an opportunity to focus on the five titles of the Convention and provide participants with examples of national provisions for the implementation of selected Convention’s regulations. This was starting point for an exchange of views and experience between participants and speakers.

Mrs Iliana Hristova, EMSA’s Project Officer for Training and Cooperation, delivered presentation on the MLC, stressing the innovative features of this Convention. She notably explained “the no more favourable treatment clause” – the vessels flying flag of the country that ratified this Convention are not being placed in competitive disadvantage than that the States that have not ratified it. Mrs Hristova also clarified two levels of flexibility approach adopted by the MLC and highlighted the fact this flexibility with regard to the implementation of some provisions by the national governments was a key element for the enforcement of the Convention. She further explained the substantial equivalence principle and the limits of its application. She stressed the necessity of clear and precise national provisions in order to properly implement the MLC on the national level.

Mr Katsoulis delivered presentation on the MLC’ titles 1 and 2, underlining the need of national legislation with regard to the minimum age, work at night, repatriation and medical certification issue.

Mr Paolo Majoli, EMSA’s Project Officer, delivered presentation on the MLC’ titles 3 and 4, explained the major rules of the interpretation of the terms of the Convention (mandatory or guidance) and presented practical examples of the implementation of the MLC into the national legislation, notably illustrating by

the examples on ventilation, temperature and humidity in seafarers' accommodation quarters as well as on noise and vibration on board vessels.

Mr Russo presented the MLC Title 5 Flag State obligations, including complaints and accident investigation. He notably explained inspection system responsibilities of the Flag State and presented example of national provisions for implementing Reg. A.5.1.1 to 5.1.4 of the Convention. He also introduced the Declaration of Maritime Labour Compliance – Part II.

Mr Jaime Gonzalez Gil conducted discussion on Port State Obligations with regard to the implementation of the MLC. He provided some examples and explained the procedure for the inspection of the foreign flag ships from the countries non-ratifying the MLC. He also underlined the inspection procedures in line with Paris MoU Guidelines on the MLC 2006.

After the extensive discussion that followed the presentation and summary of the second day, the organisers thanked the participants and speakers for their contribution to the meeting.