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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council
No. Cion doc.: 11579/17 - COM(2017) 406 final
Subject: Proposal for a COUNCIL DIRECTIVE implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) to amend Council Directive 2009/13/EC in accordance with the amendments of 2014 to the Maritime Labour Convention, 2006 as approved by the International Labour Conference on 11 June 2014

1. In 2006, the International Labour Organisation (ILO) adopted the Maritime Labour Convention (MLC). This Convention was incorporated into EU law by Council Directive 2009/13/EC¹ implementing the Agreement on the MLC concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF).

¹ OJ L 124, 20.5.2009, p. 30. The Directive entered into force on 20 August 2013, the day of entry into force of the MLC. Member States were to transpose it into their national legislation by 20 August 2014.

The 2006 MLC only partially dealt with issues relating to liability and compensation in connection with crew claims for death, personal injury and abandonment in foreign ports. This issue is, however, to be fully addressed as many seafarers aboard ships are facing today abandonment without pay, often for several months, and without regular food supplies, medical care, or the means to return home.

In 2014, a Special Tripartite Committee, established under the MLC, adopted two amendments to the MLC aiming to protect further seafarers' rights in the event of abandonment. These amendments set out a mandatory financial security system applying when the ship-owner fails to cover the cost of the repatriation, and set out minimum requirements for the financial security system to provide compensation for contractual claims for death or long-term disability of seafarers due to occupational injury, illness or hazard. These amendments were approved at the International Labour Conference in 2014.

2. On 7 December 2017, the Council (EPSCO) reached a political agreement on the text of the proposal², subject to legal-linguistic revision, which has now been finalised.
3. The Permanent Representatives Committee is therefore asked to invite the Council:
 - to adopt the text of the Proposal for a COUNCIL DIRECTIVE implementing the Agreement concluded by the European Community Ship-owners' Associations (ECSA) and the European Transport Workers' Federation (ETF) to amend Council Directive 2009/13/EC in accordance with the amendments of 2014 to the Maritime Labour Convention, 2006 as approved by the International Labour Conference on 11 June 2014 as set out in doc. 15647/17.

² 14150/1/17 REV 1.