

Directive 2013/54/EU of the European Parliament and of the Council of 20 November 2013 concerning certain flag State responsibilities for compliance with and enforcement of the Maritime Labour Convention, 2006 (Text with EEA relevance)

*Article 1*

**Subject matter**

This Directive lays down rules to ensure that Member States effectively discharge their obligations as flag States with respect to the implementation of the relevant parts of MLC 2006. This Directive is without prejudice to Directives 2009/13/EC and 2009/21/EC, and to any higher standards for living and working conditions for seafarers set out therein.

*Article 2*

**Definitions**

For the purposes of this Directive, the following definition shall apply in addition to the relevant definitions set out in the Annex to Directive 2009/13/EC:

‘relevant parts of MLC 2006’ means the parts of MLC 2006 of which the content shall be considered as corresponding to the provisions in the Annex to Directive 2009/13/EC.

*Article 3*

**Monitoring of compliance**

1 Member States shall ensure that effective and appropriate enforcement and monitoring mechanisms, including inspections at the intervals provided for in MLC 2006, are established in order to ensure that the living and working conditions of seafarers on ships flying their flag meet, and continue to meet, the requirements of the relevant parts of MLC 2006.

2 With respect to ships of less than 200 gross tonnage not engaged in international voyages, Member States may, in consultation with the shipowners’ and seafarers’ organisations concerned, decide to adapt, pursuant to Article II, paragraph 6 of MLC 2006, monitoring mechanisms, including inspections, to take account of the specific conditions relating to such ships.

3 When fulfilling their obligations under this Article, Member States may, where appropriate, authorise public institutions or other organisations, including those of another Member State, if the latter agrees, which they recognise as having sufficient capacity, competence and independence, to carry out inspections. In all cases, a Member State shall remain fully responsible for the inspection of the living and working conditions of the seafarers concerned on ships that fly the flag of that Member State. This provision is without prejudice to Directive 2009/15/EC of the European Parliament and of the Council<sup>(1)</sup>.

4 Member States shall establish clear objectives and standards covering the administration of their inspection systems, as well as adequate overall procedures for their assessment of the extent to which those objectives and standards are being attained.

5 A Member State shall ensure that seafarers on board ships flying the flag of that Member State have access to a copy of the Agreement. The access may be provided electronically.

#### *Article 4*

### **Personnel in charge of compliance monitoring**

1 Member States shall ensure that personnel, including staff from institutions or other organisations ('recognised organisations' within the meaning of MLC 2006), authorised to carry out inspections in accordance with Article 3(3) and in charge of verifying the proper implementation of the relevant parts of MLC 2006, have the training, competence, terms of reference, full legal authority, status and independence necessary or desirable to enable them to carry out that verification and to ensure compliance with the relevant parts of MLC 2006. In accordance with MLC 2006, inspectors shall be empowered to take steps, as appropriate, to prohibit a ship from leaving port until necessary actions are taken.

2 All authorisations granted with respect to inspections shall, as a minimum, empower the recognised organisation to require the rectification of deficiencies that it identifies in seafarers' living and working conditions, and to carry out inspections in that regard at the request of a port State.

3 Each Member State shall establish:

- a a system to ensure the adequacy of work performed by recognised organisations, which includes information on all applicable national laws and regulations and relevant international instruments; and
- b procedures for communication with and oversight of such organisations.

4 Each Member State shall provide the International Labour Office with a current list of any recognised organisations authorised to act on its behalf, and shall keep this list up to date. The list shall specify the functions that the recognised organisations have been authorised to carry out.

#### *Article 5*

### **On-board complaint procedures, handling of complaints and corrective measures**

1 Each Member State shall ensure that, in its laws or regulations, appropriate on-board complaint procedures are in place.

2 If a Member State receives a complaint which it does not consider manifestly unfounded or obtains evidence that a ship that flies its flag does not conform to the requirements of the relevant parts of MLC 2006 or that there are serious deficiencies in its implementing measures, that Member State shall take the steps necessary to investigate the matter and ensure that action is taken to remedy any deficiencies found.

3 Personnel dealing with or becoming aware of complaints shall treat as confidential the source of any grievance or complaint alleging a danger or deficiency in relation to seafarers' living and working conditions or a violation of laws and regulations and shall give no intimation to the shipowner, the shipowner's representative or the operator of the ship that an inspection was made as a consequence of such a grievance or complaint.

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## *Article 6*

### **Reports**

1 The Commission shall, in the context of its reports to be established in accordance with Article 9 of Directive 2009/21/EC, include matters falling within the scope of this Directive.

2 No later than 31 December 2018, the Commission shall submit a report to the European Parliament and to the Council on the implementation and application of Regulation 5.3 of MLC 2006 regarding labour-supplying responsibilities. If appropriate, the report may include proposals for measures to enhance living and working conditions in the maritime sector.

## *Article 7*

### **Transposition**

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 March 2015. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods for making such references shall be laid down by Member States.

2 Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.

## *Article 8*

### **Entry into force**

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

## *Article 9*

### **Addressees**

This Directive is addressed to the Member States.

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Done at Strasbourg, 20 November 2013.

*For the European Parliament*

*The President*

M. SCHULZ

*For the Council*

*The President*

V. LEŠKEVIČIUS

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- (1) Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations ([OJ L 131, 28.5.2009, p. 47](#)).