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**Status:** EU Directives are being published on this site to aid cross referencing from UK legislation. After  
IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

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## ANNEX

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## AGREEMENT

concluded by the ECSA and the ETF on the Maritime Labour Convention, 2006

### DEFINITIONS AND SCOPE OF APPLICATION

1. For the purpose of this Agreement and unless provided otherwise in particular provisions, the term:
  - (a) ‘competent authority’ means the minister, government department or other authority designated by a Member State having power to issue and enforce regulations, orders or other instructions having the force of law in respect of the subject matter of the provision concerned;
  - (b) ‘gross tonnage’ means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I to the International Convention on Tonnage Measurement of Ships, 1969, or any successor Convention; for ships covered by the tonnage measurement interim scheme adopted by the International Maritime Organisation, the gross tonnage is that which is included in the ‘Remarks’ column of the International Tonnage Certificate (1969);
  - (c) ‘seafarer’ means any person who is employed or engaged or works in any capacity on board a ‘ship’ to which this Agreement applies;
  - (d) ‘seafarers employment’ agreement includes both a contract of employment and articles of agreement;
  - (e) ‘ship’ means a ship other than one which navigates exclusively in inland waters or waters within, or closely adjacent to, sheltered waters or areas where port regulations apply;
  - (f) ‘shipowner’ means the owner of the ship or another organisation or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with this Agreement, regardless of whether any other organisation or persons fulfil certain of the duties or responsibilities on behalf of the shipowner.
2. Except as expressly provided otherwise, this Agreement applies to all seafarers.
3. In the event of doubt as to whether any categories of persons are to be regarded as seafarers for the purpose of this Agreement, the question shall be determined by the competent authority in each Member State after consultation with the shipowners’ and seafarers’ organisations concerned with this question. In this context due account shall be taken of the Resolution of the 94th (Maritime) Session of the General Conference of the International Labour Organisation concerning information on occupational groups.
4. Except as expressly provided otherwise, this Agreement applies to all ships whether publicly or privately owned, ordinarily engaged in commercial activities, other than ships engaged in fishing or in similar pursuits and ships of traditional build such as dhows and junks. This Agreement does not apply to warships or naval auxiliaries.
5. In the event of doubt as to whether this Agreement applies to a ship or particular category of ships, the question shall be determined by the competent authority in each Member State after consultation with the shipowners’ and seafarers’ organisations concerned.