



EUROPEAN PARLIAMENT

2014 - 2019

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*Committee on Employment and Social Affairs*

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**2013/0390(COD)**

30.1.2015

# **AMENDMENTS**

## **18 - 51**

**Draft report**  
**Elisabeth Morin-Chartier**  
(PE541.670v01-00)

on the proposal for a directive of the European Parliament and of the Council  
on seafarers amending Directives 2008/94/EC, 2009/38/EC, 2002/14/EC,  
98/59/EC and 2001/23/EC

Proposal for a directive  
(COM(2013)0798 – C7-0409/2013 – 2013/0390(COD))

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PE546.841v01-00

AM\_Com\_LegReport

**Amendment 18**  
**Tiziana Beghin, Laura Agea**

**Draft legislative resolution**  
**Citation 7 a (new)**

*Draft legislative resolution*

*Amendment*

**- having regard to the agreement reached  
by the European Social Partners,**

Or. en

**Amendment 19**  
**Jérôme Lavrilleux**

**Proposal for a directive**  
**Recital 1**

*Text proposed by the Commission*

*Amendment*

(1) Under Article 153 of the Treaty on the Functioning of the European Union (TFEU), the European Parliament and the Council may, in accordance with the ordinary legislative procedure, adopt, by means of directives, minimum requirements for gradual implementation aiming at improving working conditions, the protection of workers where their employment contract is terminated, information and consultation of workers and the working environment to protect workers' health and safety. Such directives must avoid imposing administrative, financial and legal constraints in a way that would hold back the creation and development of small and medium-sized undertakings.

(1) Under Article 153 of the Treaty on the Functioning of the European Union (TFEU), the European Parliament and the Council may, in accordance with the ordinary legislative procedure, adopt, by means of directives, minimum requirements for gradual implementation aiming at improving working conditions, the protection of workers where their employment contract is terminated, information and consultation of workers and the working environment to protect workers' health and safety. Such directives must avoid imposing administrative, financial and legal constraints in a way that would hold back the creation and development of small and medium-sized undertakings, ***drivers of sustainable and inclusive growth.***

Or. fr

**Amendment 20**  
**Agnes Jongerius, Vilija Blinkevičiūtė, Brando Benifei, Miapetra Kumpula-Natri, Marita**

Ulvskog, Elena Gentile

**Proposal for a directive  
Recital 3**

*Text proposed by the Commission*

(3) Insofar the existence and/or possibility of introducing exclusions is not justified on objective grounds, **they** should be **suppressed**.

*Amendment*

(3) Insofar **as** the existence and/or possibility of introducing exclusions is not justified on objective grounds **and insofar as seafarers are discriminated against, the relevant measures** should be suppressed.

Or. en

**Amendment 21  
Arne Gericke**

**Proposal for a directive  
Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) Taking into account the provisions of this Directive, flexibility and recognition of the unique environment in which seafarers work are key to ensuring that a practice of flagging out vessels does not become more attractive than complying with this Directive;***

Or. en

**Amendment 22  
Agnes Jongerius, Vilija Blinkevičiūtė, Brando Benifei, Miapetra Kumpula-Natri, Marita Ulvskog, Elena Gentile, Sergio Gutiérrez Prieto, Javi López**

**Proposal for a directive  
Recital 5**

*Text proposed by the Commission*

*Amendment*

(5) The present legal situation gives rise to unequal treatment of the same category of

(5) The present legal situation, **existing in part as result of the specific nature of the**

workers by different Member States, according to whether they apply or not the exemptions and derogations allowed by present legislation. An important number of the Member States have made limited use of *the* exclusions.

*seafaring profession*, gives rise to unequal treatment of the same category of workers by different Member States, according to whether they apply or not the exemptions and derogations allowed by present legislation. An important number of the Member States have made limited use of *those exemptions and derogations and eight Members States have not made use of them at all and cover seafarers by collective bargaining agreements, which provide a certain level of protection. In addition, the entry into force in August 2013 of the ILO Maritime Labour convention is a step in the right direction, guaranteeing an international level playing field with regard to some, but not all, employees' rights. Furthermore, exclusions are giving rise to unfair competition among Member States which must be brought to an end.*

Or. en

#### **Amendment 23**

**Arne Gericke**

#### **Proposal for a directive**

#### **Recital 5 a (new)**

*Text proposed by the Commission*

*Amendment*

*(5a) The requirements under this Directive must not place disproportionate costs or burdens on smaller firms and family businesses.*

Or. en

#### **Amendment 24**

**Agnes Jongerius, Vilija Blinkevičiūtė, Brando Benifei, Miapetra Kumpula-Natri, Marita**

Ulvskog, Elena Gentile

**Proposal for a directive  
Recital 7**

*Text proposed by the Commission*

(7) The Blue Book<sup>28</sup> stressed the need for an increase in the number and quality of maritime jobs for European citizens and the importance of improving working conditions on board.

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<sup>28</sup> COM (2007) 575 final of 10 October 2007.

*Amendment*

(7) ***This Directive is in line with*** the Blue Book<sup>28</sup>, ***which*** stressed the need for an increase in the number and quality of maritime jobs for European citizens and the importance of improving working conditions on board.

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<sup>28</sup> COM (2007) 575 final of 10 October 2007.

Or. en

**Amendment 25**

**Tiziana Beghin, Laura Agea**

**Proposal for a directive  
Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***(7a) The "blue" economy represents about 5,4 million jobs and generates a gross added value of almost EUR 500 billion per year.***

Or. en

**Amendment 26**

**Tiziana Beghin, Laura Agea**

**Proposal for a directive  
Recital 7 b (new)**

*Text proposed by the Commission*

*Amendment*

***(7b) It is necessary to safeguard the social***

*rights of people working in the “blue” economy and to ensure a level playing field within the Union.*

Or. en

**Amendment 27**

**Agnes Jongerius, Vilija Blinkevičiūtė, Brando Benifei, Miapetra Kumpula-Natri, Marita Ulvskog, Elena Gentile**

**Proposal for a directive**

**Recital 8 a (new)**

*Text proposed by the Commission*

*Amendment*

*(8a) The social partners in the maritime and fisheries sector have concluded an agreement of vital importance regarding this Directive. They struck a good balance between the need to improve seafarers' working conditions and the need to take account of the sector's specific features.*

Or. en

**Amendment 28**

**Tiziana Beghin, Laura Agea**

**Proposal for a directive**

**Recital 8 a (new)**

*Text proposed by the Commission*

*Amendment*

*(8a) The European social partners in the sectors concerned have reached an agreement.*

Or. en

**Amendment 29**

**Tiziana Beghin, Laura Agea**

**Proposal for a directive**  
**Recital 8 b (new)**

*Text proposed by the Commission*

*Amendment*

***(8b) The maritime sector has a great potential for innovation and growth and should be made more attractive to young people.***

Or. en

**Amendment 30**

**Agnes Jongerius, Vilija Blinkevičiūtė, Brando Benifei, Miapetra Kumpula-Natri, Marita Ulvskog, Elena Gentile, Sergio Gutiérrez Prieto, Javi López**

**Proposal for a directive**  
**Recital 9**

*Text proposed by the Commission*

*Amendment*

(9) Having regard to the technological developments of recent years notably as regards communications technology, the information and consultation requirements should be updated.

(9) Having regard to the technological developments of recent years notably as regards communications technology, the information and consultation requirements should be updated ***and applied in the most appropriate manner, including the usage of new information and communication technologies.***

Or. en

**Amendment 31**  
**Mara Bizzotto**

**Proposal for a directive**  
**Recital 9 a (new)**

*Text proposed by the Commission*

*Amendment*

***(9a) The international economic and financial crisis has hit the maritime sector extremely hard, giving rise to a situation of instability which is causing major***



*problems for those working in the sector.*

Or. it

**Amendment 32**

**Mara Bizzotto**

**Proposal for a directive**

**Recital 9 b (new)**

*Text proposed by the Commission*

*Amendment*

*(9b) The maritime sector is a strategic sector for the EU, on a par with the other passenger and goods transport sectors.*

Or. it

**Amendment 33**

**Mara Bizzotto**

**Proposal for a directive**

**Recital 9 c (new)**

*Text proposed by the Commission*

*Amendment*

*(9c) There are a number of important issues in the maritime sector, such as the stabilisation of employment, safety, professional training, recognition of cases of asbestos exposure, arduous occupations and pension entitlements, that need to be addressed without delay both nationally and at European level.*

Or. it

**Amendment 34**

**Agnes Jongerius, Vilija Blinkevičiūtė, Brando Benifei, Miapetra Kumpula-Natri, Marita Ulvskog, Elena Gentile, Sergio Gutiérrez Prieto, Javi López**

**Proposal for a directive**

**Recital 10**

*Text proposed by the Commission*

(10) The rights of seafarers covered by this Directive, recognised by the Member States in the national legislation implementing Directives 2008/94/EC, 2009/38/EC, 2002/14/EC, 98/59/EC and/or 2001/23/EC should be respected.

*Amendment*

(10) The rights of seafarers covered by this Directive, recognised by the Member States in the national legislation implementing Directives 2008/94/EC, 2009/38/EC, 2002/14/EC, 98/59/EC and/or 2001/23/EC should be respected. ***The transposition of this Directive should not justify any regression regarding the situation which already prevails in a Member State.***

Or. en

**Amendment 35**

**Agnes Jongerius, Vilija Blinkevičiūtė, Brando Benifei, Miapetra Kumpula-Natri, Marita Ulvskog, Elena Gentile, Sergio Gutiérrez Prieto, Javi López**

**Proposal for a directive  
Recital 11 a (new)**

*Text proposed by the Commission*

*Amendment*

***(11a) Seafarers have a right to a safe and secure workplace in which safety standards are complied with and should have fair terms of employment and decent living and working conditions, including social protection.***

Or. en

**Amendment 36**

**Agnes Jongerius, Vilija Blinkevičiūtė, Brando Benifei, Miapetra Kumpula-Natri, Marita Ulvskog, Elena Gentile, Sergio Gutiérrez Prieto, Javi López**

**Proposal for a directive  
Recital 11 b (new)**

*Text proposed by the Commission*

*Amendment*

***(11b) The Maritime Labour Convention***

*of 2006 sets out seafarers' rights to decent conditions of work on a wide range of subjects, and provides coherent rights and protection at work for all seafarers, regardless of nationality or vessel flag. It aims to achieve both decent working conditions for seafarers and secure fair competition for ship owners through its global application.*

Or. en

**Amendment 37**

**Agnes Jongerius, Vilija Blinkevičiūtė, Brando Benifei, Miapetra Kumpula-Natri, Marita Ulvskog, Elena Gentile, Sergio Gutiérrez Prieto, Javi López**

**Proposal for a directive  
Recital 11 c (new)**

*Text proposed by the Commission*

*Amendment*

*(11c) The Union should always strive to improve working and living conditions on board ships in order to make them attractive to Union seafarers.*

Or. en

**Amendment 38**

**Agnes Jongerius, Siôn Simon, Vilija Blinkevičiūtė, Brando Benifei, Miapetra Kumpula-Natri, Marita Ulvskog, Elena Gentile, Sergio Gutiérrez Prieto, Javi López**

**Proposal for a directive  
Recital 11 d (new)**

*Text proposed by the Commission*

*Amendment*

*(11d) The Union should aim to improve internet-based communications on board ships, such as enhancing the availability of internet, ensuring reasonable use on board in order to enhance the implementation of Directives 2008/94/EC, 2009/38/EC, 2002/14/EC, 98/59/EC,*

**Amendment 39**

**Jean Lambert**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 1 – paragraph 1**

Directive 2008/94/EC

Article 1 – paragraph 3

*Text proposed by the Commission*

Article 1(3) is *replaced by the following*:

***‘3. Where such provision already applies in their national legislation, Member States may continue to exclude domestic servants employed by a natural person from the scope of this Directive.’***

*Amendment*

Article 1(3) is *deleted*.

**Amendment 40**

**Ulla Tørnæs, Marian Harkin**

**Proposal for a directive**

Article 2 – point 1 a (new) Directive 2009/38/EC

Article 10 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***(1a) In Article 10, the following paragraph is added:***

***‘5. A member of a special negotiating body or European Works Council or his or her alternate, who is a member of the crew of a seagoing vessel shall be entitled to participate in a meeting of the special negotiating body or European Works Council or in any other meeting within***

*any procedures established under Article 6(3) if he or she is not at sea or in a port in a State other than that in which the shipping company is domiciled when the meeting takes place.*

*Meetings shall, wherever practicable, be scheduled to facilitate the participation of members who are members of the crews of seagoing vessels.'*

Or. en

#### **Amendment 41**

**Agnes Jongerius, Vilija Blinkevičiūtė, Brando Benifei, Miapetra Kumpula-Natri, Marita Ulvskog, Elena Gentile**

#### **Proposal for a directive**

#### **Article 2 – point 1 a (new)**

Directive 2009/38/EC

Article 10 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***(1a) In Article 10, the following paragraph is added:***

***‘5. A member of a special negotiating body or European Works Council, or his or her representative, who is a member of the crew of a vessel, shall be entitled to participate in meetings of the special negotiating body or European Works Council or any other meeting within the procedure established under Article 6(3) if he or she is not at sea or in a port in a State other than that in which the undertaking is domiciled when the meeting takes place.***

***Meetings shall, wherever possible, be scheduled in such a way so as to allow vessel crew members to attend.***

***With a view to maximising the chances of worker representation, use shall be made, wherever possible, of new information and communication technologies in cases***

*where a member of a special negotiating body or a European Works Council or his or her representative, who is a member of the crew of a vessel is unable to attend a meeting.'*

Or. en

#### **Amendment 42**

**Agnes Jongerius, Vilija Blinkevičiūtė, Brando Benifei, Miapetra Kumpula-Natri, Marita Ulvskog, Elena Gentile, Sergio Gutiérrez Prieto, Javi López**

#### **Proposal for a directive**

##### **Article 3 – point 1**

Directive 2002/14/EC

Article 3 – paragraph 3

*Text proposed by the Commission*

*Amendment*

Article 3(3) is *replaced by the following*:

Article 3(3) is *deleted*.

*‘3. Member States may derogate from this Directive through particular provisions applicable to the crews of vessels plying the high seas, provided that such particular provisions guarantee an equivalent level of protection of the right to information and consultation and its effective exercise by the employees concerned.’*

Or. en

#### **Amendment 43**

**Agnes Jongerius, Vilija Blinkevičiūtė, Brando Benifei, Miapetra Kumpula-Natri, Marita Ulvskog, Elena Gentile**

#### **Proposal for a directive**

##### **Article 4 – point 1**

Directive 98/59/EC

Article 1

*Text proposed by the Commission*

*Amendment*

(1) Article 1 is amended as follows:

(1) Article 1 is amended as follows:

**(a) In paragraph 1, the following point (c) is added:**

**‘(c) ‘transfer’ is interpreted in the meaning of Directive 2001/23/EC.’**

**(b) In Article 1(2), point (c) is deleted.**

In Article 1(2), point (c) is deleted.

Or. en

#### **Amendment 44**

**Agnes Jongerius, Vilija Blinkevičiūtė, Brando Benifei, Miapetra Kumpula-Natri, Marita Ulvskog, Elena Gentile**

#### **Proposal for a directive**

##### **Article 4 – point 2**

Directive 98/59/EC

Article 3 – paragraph 1 – subparagraph 1 a (new)

#### *Text proposed by the Commission*

When the projected collective redundancy concerns members of the crew of a seagoing vessel, the **notification** shall **be made to** the competent authority of the State of the flag which the vessel flies.

#### *Amendment*

When the projected collective redundancy concerns members of the crew of a seagoing vessel, the **employer** shall **notify** the competent authority of the State of the flag which the vessel flies.

Or. en

#### **Amendment 45**

**Agnes Jongerius, Vilija Blinkevičiūtė, Brando Benifei, Miapetra Kumpula-Natri, Marita Ulvskog, Elena Gentile, Sergio Gutiérrez Prieto, Javi López**

#### **Proposal for a directive**

##### **Article 4 – point 3**

Directive 98/59/EC

Article 4 – paragraph 1 a (new)

#### *Text proposed by the Commission*

**(3) In Article 4, the following paragraph 1a is inserted:**

**‘1a. When projected collective redundancies of members of a crew, are carried out in connection with or deriving**

#### *Amendment*

**deleted**

*from a transfer of a seagoing vessel, Member States may, after consulting the social partners, grant the competent public authority the power to derogate, in full or in part, from the period provided for in paragraph 1 in the following circumstances:*

*(a) the object of the transfer consists exclusively of one or more seagoing vessels,*

*(b) the employer only operates one seagoing vessel.'*

Or. en

#### **Amendment 46**

**Agnes Jongerius, Vilija Blinkevičiūtė, Brando Benifei, Miapetra Kumpula-Natri, Marita Ulvskog, Elena Gentile**

#### **Proposal for a directive**

##### **Article 5 – point 1**

Directive 2001/23/EC

Article 1 – paragraph 2

*Text proposed by the Commission*

*Amendment*

*(1) Paragraph 2 is replaced by the following:*

*deleted*

*‘2. This Directive shall apply, without prejudice to paragraph 3, where and insofar as the undertaking, business or part of the undertaking or business to be transferred is situated within the territorial scope of the Treaty.’*

Or. en

#### **Amendment 47**

**Ulla Tørnæs, Marian Harkin**

#### **Proposal for a directive**

##### **Article 5 – point 2**



*Text proposed by the Commission*

3. This Directive shall apply to the transfer of a seagoing vessel ***registered in and/or flying the flag of a Member State and constituting an*** undertaking, business or part of an undertaking or business ***for the purposes of*** this Directive, ***even when it is not situated within the territorial scope of the Treaty.***

*Amendment*

3. This Directive shall apply to the transfer of a seagoing vessel ***that is part of a transfer of an undertaking, business, or part of an undertaking or business within the meaning of paragraphs 1 and 2, provided that the transferee is situated, or the transferred*** undertaking, business, or part of an undertaking or business ***remains, within the territorial scope of the Treaty.***

This Directive ***shall not apply if the object of the transfer exclusively consists of one or more seagoing vessels.***

Or. en

**Amendment 48**

**Agnes Jongerius, Vilija Blinkevičiūtė, Brando Benifei, Miapetra Kumpula-Natri, Marita Ulvskog, Elena Gentile**

**Proposal for a directive**

**Article 5 – point 2**

Directive 2001/23/EC

Article 1 – paragraph 3

*Text proposed by the Commission*

3. This Directive shall apply to the transfer of a seagoing vessel ***registered in and/or flying the flag of a Member State and constituting an*** undertaking, business or part of an undertaking or business ***for the purposes of*** this Directive, ***even when it is not situated within the territorial scope of the Treaty.***

*Amendment*

3. This Directive shall apply to the transfer of a seagoing vessel ***forming part of the transfer of an undertaking, business or part of an undertaking or business within the meaning of paragraph 1, provided that the part transferred is situated within the territorial scope of the Treaty or that the*** undertaking, business or part of an undertaking or business ***to be transferred remains within the territorial scope of the Treaty.***

This Directive ***shall not apply if the object of the transfer exclusively consists of one or more seagoing vessels.***

**Amendment 49**  
**Thomas Mann**

**Proposal for a directive**  
**Article 5 – point 2**  
Directive 2001/23/EC  
Article 1 – paragraph 3

*Text proposed by the Commission*

3. This Directive shall apply to the transfer of a seagoing vessel ***registered in and/or flying the flag of a Member State and*** constituting an undertaking, business or part of an undertaking or business for the purposes of ***this Directive, even when it is not*** situated within the territorial scope of the Treaty.

*Amendment*

3. This Directive shall apply to the transfer of a seagoing vessel constituting ***part of the transfer of*** an undertaking, ***a*** business, or part of an undertaking or business for the purposes of ***paragraphs 1 and 2 where the transferee or the transferred part*** is situated within the territorial scope of the Treaty ***or the transferred undertaking or business or the transferred part of the undertaking or business remains in that situation. This Directive shall not apply if the assets to be transferred consist solely of one or more seagoing vessels.***

Or. de

**Amendment 50**  
**Agnes Jongerius, Vilija Blinkevičiūtė, Brando Benifei, Miapetra Kumpula-Natri, Marita Ulvskog, Elena Gentile**

**Proposal for a directive**  
**Article 5 – point 3**  
Directive 2001/23/EC  
Article 1 – paragraph 4

*Text proposed by the Commission*

***(3) The following paragraph 4 is added:***  
***‘4. Member States may, after consulting the social partners, provide that Chapter II of this Directive does not apply in the following circumstances:***

*Amendment*

***deleted***

*(a) the object of the transfer consists exclusively of one or more seagoing vessels,*

*(b) the undertaking or business to be transferred operates only one seagoing vessel.'*

Or. en

#### **Amendment 51**

**Agnes Jongerius, Vilija Blinkevičiūtė, Brando Benifei, Miapetra Kumpula-Natri, Marita Ulvskog, Elena Gentile, Sergio Gutiérrez Prieto, Javi López**

#### **Proposal for a directive**

#### **Article 8 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than **5** years after the date of entry into force of this Directive. The Member States shall immediately communicate to the Commission the text of those provisions.

##### *Amendment*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than **two** years after the date of entry into force of this Directive. The Member States shall immediately communicate to the Commission the text of those provisions.

Or. en