

11.3.2013

A7-0037/56

**Amendment 56**

**Pervenche Berès, Alejandro Cercas**

on behalf of the S&D Group

**Jean Lambert**

on behalf of the Verts/ALE Group

**Patrick Le Hyaric**

on behalf of the GUE/NGL Group

**Elisabeth Morin-Chartier, Georges Bach**

**Report**

**A7-0037/2013**

**Pervenche Berès**

Flag State responsibilities for the enforcement of Council Directive 2009/13/EC implementing the Agreement concluded by the European Community Shipowners' Associations and the European Transport Workers' Federation on the Maritime Labour Convention

COM(2012)0134 – C7-0083/2012 – 2012/0065(COD)

**Proposal for a directive**

**Article 5 b – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Detailed requirements for the implementation of paragraph 1 are set out in paragraphs 5 to 18 below.***

Or. en

11.3.2013

A7-0037/57

**Amendment 57**

**Pervenche Berès, Alejandro Cercas**

on behalf of the S&D Group

**Jean Lambert**

on behalf of the Verts/ALE Group

**Patrick Le Hyaric**

on behalf of the GUE/NGL Group

**Elisabeth Morin-Chartier, Georges Bach**

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COM(2012)0134 – C7-0083/2012 – 2012/0065(COD)

**Proposal for a directive**

**Article 5 b – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. Each Member State shall establish an effective inspection and monitoring system for enforcing its responsibilities under this Article to supply labour.***

Or. en

11.3.2013

A7-0037/58

**Amendment 58**

**Pervenche Berès, Alejandro Cercas**

on behalf of the S&D Group

**Jean Lambert**

on behalf of the Verts/ALE Group

**Patrick Le Hyaric**

on behalf of the GUE/NGL Group

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COM(2012)0134 – C7-0083/2012 – 2012/0065(COD)

**Proposal for a directive**

**Article 5 b – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. Information about the system referred to in paragraph 3, including the method used for assessing its effectiveness, shall be included in the Member State's reports to the International Labour Office pursuant to Article 22 of the Constitution of that Office.***

Or. en

11.3.2013

A7-0037/59

**Amendment 59**

**Pervenche Berès, Alejandro Cercas**

on behalf of the S&D Group

**Jean Lambert**

on behalf of the Verts/ALE Group

**Patrick Le Hyaric**

on behalf of the GUE/NGL Group

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COM(2012)0134 – C7-0083/2012 – 2012/0065(COD)

**Proposal for a directive**

**Article 5 b – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***6a. All seafarers shall have access to an efficient, adequate and accountable system for finding employment on board ship without charge to the seafarer.***

Or. en

11.3.2013

A7-0037/60

**Amendment 60**

**Pervenche Berès, Alejandro Cercas**

on behalf of the S&D Group

**Jean Lambert**

on behalf of the Verts/ALE Group

**Patrick Le Hyaric**

on behalf of the GUE/NGL Group

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COM(2012)0134 – C7-0083/2012 – 2012/0065(COD)

**Proposal for a directive**

**Article 5 b – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***7a. Seafarer recruitment and placement services operating in a Member State's territory shall conform to the standards set out in paragraphs 5 to 18.***

Or. en

11.3.2013

A7-0037/61

**Amendment 61**

**Pervenche Berès, Alejandro Cercas**

on behalf of the S&D Group

**Jean Lambert**

on behalf of the Verts/ALE Group

**Patrick Le Hyaric**

on behalf of the GUE/NGL Group

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**A7-0037/2013**

**Pervenche Berès**

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COM(2012)0134 – C7-0083/2012 – 2012/0065(COD)

**Proposal for a directive**

**Article 5 b – paragraph 8 a (new)**

*Text proposed by the Commission*

*Amendment*

***8a. Each Member State shall require, in respect of seafarers who work on ships that fly its flag, that shipowners who use seafarer recruitment and placement services that are based in countries or territories in which the Maritime Labour Convention 2006 does not apply, ensure that those services conform to the requirements set out in paragraphs 5 to 18.***

Or. en

11.3.2013

A7-0037/62

**Amendment 62**

**Pervenche Berès, Alejandro Cercas**

on behalf of the S&D Group

**Jean Lambert**

on behalf of the Verts/ALE Group

**Patrick Le Hyaric**

on behalf of the GUE/NGL Group

**Elisabeth Morin-Chartier, Georges Bach**

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**Pervenche Berès**

Flag State responsibilities for the enforcement of Council Directive 2009/13/EC implementing the Agreement concluded by the European Community Shipowners' Associations and the European Transport Workers' Federation on the Maritime Labour Convention

COM(2012)0134 – C7-0083/2012 – 2012/0065(COD)

**Proposal for a directive**

**Article 5 b – paragraph 10 a (new)**

*Text proposed by the Commission*

*Amendment*

***10a. Where a Member State has private seafarer recruitment and placement services operating in its territory the primary purpose of which is the recruitment and placement of seafarers or which recruit and place a significant number of seafarers, they shall be operated only in conformity with a standardised system of licensing or certification or other form of regulation. This system shall be established, modified or changed only after consultation with the shipowners' and seafarers' organisations concerned. In the event of doubt as to whether this Article applies to a private recruitment and placement service, the question shall be determined by the competent authority in each Member State after consultation with the shipowners' and seafarers' organisations concerned. Undue proliferation of private seafarer recruitment and placement services shall not be encouraged.***

Or. en



11.3.2013

A7-0037/63

**Amendment 63**

**Pervenche Berès, Alejandro Cercas**

on behalf of the S&D Group

**Jean Lambert**

on behalf of the Verts/ALE Group

**Patrick Le Hyaric**

on behalf of the GUE/NGL Group

**Elisabeth Morin-Chartier, Georges Bach**

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**A7-0037/2013**

**Pervenche Berès**

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COM(2012)0134 – C7-0083/2012 – 2012/0065(COD)

**Proposal for a directive**

**Article 5 b – paragraph 11 a (new)**

*Text proposed by the Commission*

*Amendment*

*11a. The provisions of paragraph 10 shall also apply – to the extent that they are considered to be appropriate by the competent authority of the Member State, in consultation with the shipowners' and seafarers' organisations concerned – in the context of recruitment and placement services operated by a seafarers' organisation in the territory of the Member State for the supply of seafarers who are nationals of that Member State to ships which fly its flag. The services covered by this paragraph are those fulfilling the following conditions:*

- (a) the recruitment and placement service is operated pursuant to a collective bargaining agreement between that organisation and a shipowner;*
- (b) both the seafarers' organisation and the shipowner are based in the territory of the Member State;*
- (c) the Member State has national laws or regulations or a procedure to authorise or*

*register the collective bargaining agreement permitting the operation of the recruitment and placement service; and (d) the recruitment and placement service is operated in an orderly manner and measures are in place to protect and promote seafarers' employment rights comparable to those provided in paragraph 13.*

Or. en

11.3.2013

A7-0037/64

**Amendment 64**

**Pervenche Berès, Alejandro Cercas**

on behalf of the S&D Group

**Jean Lambert**

on behalf of the Verts/ALE Group

**Patrick Le Hyaric**

on behalf of the GUE/NGL Group

**Elisabeth Morin-Chartier, Georges Bach**

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**Pervenche Berès**

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COM(2012)0134 – C7-0083/2012 – 2012/0065(COD)

**Proposal for a directive**

**Article 5 b – paragraph 12 a (new)**

*Text proposed by the Commission*

*Amendment*

***12a. Nothing in paragraphs 1 to 18 shall be deemed to:***

***(a) prevent a Member State from maintaining a free public seafarer recruitment and placement service for seafarers in the framework of a policy to meet the needs of seafarers and shipowners, whether the service forms part of or is coordinated with a public employment service for all workers and employers; or***

***(b) impose on a Member State the obligation to establish a system for the operation of private seafarer recruitment or placement services in its territory.***

Or. en

11.3.2013

A7-0037/65

**Amendment 65**

**Pervenche Berès, Alejandro Cercas**

on behalf of the S&D Group

**Jean Lambert**

on behalf of the Verts/ALE Group

**Patrick Le Hyaric**

on behalf of the GUE/NGL Group

**Elisabeth Morin-Chartier, Georges Bach**

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**Pervenche Berès**

Flag State responsibilities for the enforcement of Council Directive 2009/13/EC implementing the Agreement concluded by the European Community Shipowners' Associations and the European Transport Workers' Federation on the Maritime Labour Convention

COM(2012)0134 – C7-0083/2012 – 2012/0065(COD)

**Proposal for a directive**

**Article 5 b – paragraph 13 a (new)**

*Text proposed by the Commission*

*Amendment*

*13a. A Member State adopting a system referred to in paragraph 10(a) of this Article shall, in its laws and regulations or other measures, at a minimum*

*(a) prohibit seafarer recruitment and placement services from using means, mechanisms or lists intended to prevent or deter seafarers from gaining employment for which they are qualified;*

*(b) require that no fees or other charges for seafarer recruitment or placement or for providing employment to seafarers are borne directly or indirectly, in whole or in part, by the seafarer, other than the cost of the seafarer obtaining a national statutory medical certificate, the national seafarer's book and a passport or other similar personal travel documents, not including, however, the cost of visas, which shall be borne by the shipowner; and*

*(c) ensure that seafarer recruitment and placement services operating in its*

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*territory:*

- (i) maintain an up-to-date register of all seafarers recruited or placed through them, to be available for inspection by the competent authority of the Member State;*
- (ii) make sure that seafarers are informed of their rights and duties under their employment agreements prior to or in the process of engagement and that proper arrangements are made for seafarers to examine their employment agreements before and after they are signed and for them to receive a copy of the agreements;*
- (iii) verify that seafarers recruited or placed by them are qualified and hold the documents necessary for the job concerned, and that the seafarers' employment agreements are in accordance with applicable laws and regulations and any collective bargaining agreement that forms part of the employment agreement;*
- (iv) make sure, as far as practicable, that the shipowner has the means to protect seafarers from being stranded in a foreign port;*
- (v) examine and respond to any complaint concerning their activities and advise the competent authority of the Member State of any unresolved complaint;*
- (vi) establish a system of protection, by way of insurance or an equivalent appropriate measure, to compensate seafarers for monetary loss that they may incur as a result of the failure of a recruitment and placement service or the relevant shipowner under the seafarers' employment agreement to meet its obligations to them.*

Or. en

11.3.2013

A7-0037/66

**Amendment 66**

**Pervenche Berès, Alejandro Cercas**

on behalf of the S&D Group

**Jean Lambert**

on behalf of the Verts/ALE Group

**Patrick Le Hyaric**

on behalf of the GUE/NGL Group

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**Pervenche Berès**

Flag State responsibilities for the enforcement of Council Directive 2009/13/EC implementing the Agreement concluded by the European Community Shipowners' Associations and the European Transport Workers' Federation on the Maritime Labour Convention

COM(2012)0134 – C7-0083/2012 – 2012/0065(COD)

**Proposal for a directive**

**Article 5 b – paragraph 15 a (new)**

*Text proposed by the Commission*

*Amendment*

***15a. The competent authority of the Member State concerned shall ensure that adequate machinery and procedures exist for the investigation, if necessary, of complaints concerning the activities of seafarer recruitment and placement services, involving, as appropriate, representatives of shipowners and seafarers.***

Or. en

11.3.2013

A7-0037/67

**Amendment 67**

**Pervenche Berès, Alejandro Cercas**

on behalf of the S&D Group

**Jean Lambert**

on behalf of the Verts/ALE Group

**Patrick Le Hyaric**

on behalf of the GUE/NGL Group

**Elisabeth Morin-Chartier, Georges Bach**

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COM(2012)0134 – C7-0083/2012 – 2012/0065(COD)

**Proposal for a directive**

**Article 5 b – paragraph 16 a (new)**

*Text proposed by the Commission*

*Amendment*

***16a. Where a Member State has ratified the Maritime Labour Convention 2006 and a period of 12 months has passed, beginning on the day after registration of its ratification with the Director-General of the International Labour Office, it shall, in so far as practicable, advise its nationals on the possible problems of signing on a ship that flies the flag of a State which has not ratified the Maritime Labour Convention 2006 until it is satisfied that standards equivalent to those fixed by this Article are being applied. Measures taken to this effect by the Member State shall not be in contradiction with the principle of free movement of workers stipulated by the treaties to which the Member State and the other country concerned may be parties.***

Or. en

11.3.2013

A7-0037/68

**Amendment 68**

**Pervenche Berès, Alejandro Cercas**

on behalf of the S&D Group

**Jean Lambert**

on behalf of the Verts/ALE Group

**Patrick Le Hyaric**

on behalf of the GUE/NGL Group

**Elisabeth Morin-Chartier, Georges Bach**

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COM(2012)0134 – C7-0083/2012 – 2012/0065(COD)

**Proposal for a directive**

**Article 5 b – paragraph 17 a (new)**

*Text proposed by the Commission*

*Amendment*

***17a. Each Member State to which paragraph 16 applies shall require that shipowners of ships that fly its flag who use seafarer recruitment and placement services based in countries or territories in which the Maritime Labour Convention 2006, does not apply, ensure, as far as practicable, that those services meet the requirements of paragraphs 5 to 18.***

Or. en



11.3.2013

A7-0037/69

**Amendment 69**

**Pervenche Berès, Alejandro Cercas**

on behalf of the S&D Group

**Jean Lambert**

on behalf of the Verts/ALE Group

**Patrick Le Hyaric**

on behalf of the GUE/NGL Group

**Elisabeth Morin-Chartier, Georges Bach**

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COM(2012)0134 – C7-0083/2012 – 2012/0065(COD)

**Proposal for a directive**

**Article 5 b – paragraph 18 a (new)**

*Text proposed by the Commission*

*Amendment*

***18a. Nothing in paragraphs 5 to 18 shall be understood as diminishing the obligations and responsibilities of shipowners or of a Member State with respect to ships that fly its flag.***

Or. en