



EUROPEAN PARLIAMENT

2014 - 2019

Committee on Fisheries

2013/0390(COD)

02.03.2015

OPINION

of the Committee on Fisheries

for the Committee on Employment

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
(COM(2013)0798 – C7-0409/2013 – 2013/0390(COD))

Rapporteur: Liadh Ní Riada

PA_Legam

SHORT JUSTIFICATION

The Committee on Fisheries:

- welcomes the Commission proposal, submitted on 19 November 2013, for a directive aiming to enhance the rights of seafarers by amending five directives relating to employees' rights in order to bring seafarers within their scope;
- welcomes this attempt to create a true level playing field for those affected by the existing derogations and notes that as well as the full application to seafarers of the relevant directives, seafarers should be afforded all the same rights as shore-based employees in terms of equal pay for equal work, irrespective of nationality, place of residence, race, gender, sexual orientation, disability or age;
- calls on the Commission, as it attempts to make working conditions in this sector more appealing, in line with the new agenda for jobs and growth, to encourage and provide incentives to young people to take up professions in the maritime and fisheries sectors in order to reverse the current decline in the numbers of young Union citizens entering certain maritime professions, and retain skilled workers;
- stresses that employment law should apply to everyone, regardless of their work place; calls on the Commission and the Member States to guarantee decent wages and pensions to all seafarers, irrespective of their nationality or place of residence;
- calls for any provisions establishing better working and social conditions to be accompanied by investment in training, research, education, the promotion of health and safety, entrepreneurship and innovation in order to address the shortage of seafaring employees in the Union;
- asks the Commission to encourage all Member States to ratify the ILO maritime labour convention¹ with regard to their European and non-European territories;
- emphasises the importance and potential of maritime clusters and urges the Commission to research and harness their potential by providing employment, boosting the sector and rejuvenating rural communities;
- stresses the need for transparent and systematic data collection in the fisheries and maritime sector and encourages the Commission to put forward feasible but ambitious timelines for the studies referred to in its impact assessment; notes the need for the establishment of an official database to ensure the collection of appropriate and reliable data at a Union level;
- calls on the Commission to ensure legal certainty regarding contracts and contractual relations and asks the Commission to monitor social dumping in the fisheries and maritime sector;
- welcomes the progressive working relationship between the social partners European

¹ The International Labour Organisation's Maritime Labour Convention, 2006.

Transport Workers' federation and the European Shipowners' Community Associations and asks the Commission to take into account the views of those directly involved in the fisheries and maritime sector;

- stresses that there may be concerns relating to a 'one-size fits all' approach; welcomes the exclusion of micro-enterprises and invites the Commission to report back on any outstanding issues following the successful implementation of the amendments to the five directives relating to employees' rights that are the subject of amendment;
- notes that small and family-run enterprises may require additional support to adapt to changing regulation and calls on the Commission to facilitate this transition;
- notes that, despite the enormous strides made in terms of on-board technology on ships, some smaller enterprises may be in need of upgrades to enable them to fulfil the new guidelines; calls on the Commission to facilitate the introduction of such upgrades;
- emphasises the importance of rejuvenating the fisheries and maritime sector, and while welcoming this important development in employment law, stresses that much more needs to be done in order to ensure the future of that sector in the Union.

AMENDMENTS

The Committee on Fisheries calls on the Committee on Employment, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a directive

Recital 1

Text proposed by the Commission

(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,

Amendment

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financial and legal constraints in a way that would hold back the creation and development of small and medium-sized undertakings.

financial and legal constraints in a way that would hold back the creation and development of small and medium-sized undertakings, ***as the main architects of job creation in the Union.***

Amendment 2

Proposal for a directive Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) The 2006 Commission Green Paper entitled ‘Towards a future maritime policy for the Union’ already underlined the importance of establishing an integrated legal framework in order to make the sector more competitive.

Amendment 3

Proposal for a directive Recital 3

Text proposed by the Commission

Amendment

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

(3) Insofar the existence and/or possibility of introducing exclusions is not justified on objective grounds, they should be suppressed, ***in order to guarantee equal rights for all workers and to avoid any situations involving unfair competition and social dumping.***

Amendment 4

Proposal for a directive Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Excluding seafarers from directives regulating workers’ rights could give rise

to unequal treatment and unfair competition between Member States.

Amendment 5

Proposal for a directive Recital 3 b (new)

Text proposed by the Commission

Amendment

(3b) The same rights should be guaranteed for seafarers as for shore-based workers, and they should be afforded equal pay for equal work without distinction of any kind. Maritime clusters should also be promoted, while encouraging the integration of young people in the maritime and fisheries sector.

Amendment 6

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 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.

(5) The present legal situation 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 the exclusions, ***whilst only eight Member States have not made any use of them, something that is giving rise to inequalities among seafarers in the Union.***

Amendment 7

Proposal for a directive Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Improving working conditions for seafarers entails taking account of the specific features of each sector, such as the artisanal and inshore sector, where multisectoral action is necessary.

Amendment 8

Proposal for a directive Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) Taking account of the specific features of each sector, such as the artisanal and inshore sector, training in all sectors should be encouraged, with more flexible measures where experience or practice can provide the basis for course recognition, with encouragement being given to studying and the acquisition of skills geared to each sector.

Amendment 9

Proposal for a directive Recital 6

Text proposed by the Commission

Amendment

(6) On 10 October 2007 the Commission presented its vision for an Integrated Maritime Policy for the European Union, the ‘Blue Book’²⁷. This vision recognises that all matters relating to Europe’s oceans and seas are interlinked, and that sea-related policies must develop in a joined-up way if they are to reap the desired results.

(6) This Directive is in line with the Europe 2020 Strategy. Moreover, on 10 October 2007 the Commission presented its vision for an Integrated Maritime Policy for the European Union, the ‘Blue Book’²⁷. This vision recognises that all matters relating to Europe’s oceans and seas are interlinked, and that sea-related policies must develop in a joined-up way if they are to reap the desired results.

²⁷ COM (2007) 575 final of 10 October

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Amendment 10

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) The Blue Book²⁸ ***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.

²⁸ COM (2007) 575 final of 10 October 2007.

Amendment

(7) The Blue Book²⁸ ***stresses*** 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, ***inter alia through investment in research, education, training, health and safety. This Directive addresses both of those issues.***

²⁸ COM(2007) 575 final of 10 October 2007.

Amendment 11

Proposal for a directive

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) This Directive is compatible with the Europe 2020 Strategy and with the Commission's Agenda for new skills and jobs: a European contribution towards full employment. It should nevertheless be borne in mind that working at sea is not an attractive proposition for young people. Consequently, the Commission should draw up an agenda setting out incentives that will encourage them to join the sector.

Amendment 12

**Proposal for a directive
Recital 10a (new)**

Text proposed by the Commission

Amendment

(10a) Although the extension of the application of those directives to seafarers represents positive progress, this is a first stage as it will still be necessary to transpose into Union law the STCW-F Convention and ILO Convention No 188 on work in fishing, as has already been done for people working in the maritime transport sector.

Amendment 13

**Proposal for a directive
Recital 10 b (new)**

Text proposed by the Commission

Amendment

(10b) The implementation of this Directive should not entail any increase in the bureaucratic burden for SMEs and micro-enterprises in the sector.

Amendment 14

**Proposal for a directive
Recital 12 a (new)**

Text proposed by the Commission

Amendment

(12a) As a matter of urgency, the Commission should revert back to the proposal for a directive on seafarers' working conditions that was withdrawn in 2004, in order to give special attention to the situation in this sector. The various laws of the flags lead to social dumping and competition between workers that cannot be legally resolved by the Posting of Workers Directive,

Amendment 15

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1 a (new)

Directive 2009/38/EC

Article 6 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

In Article 6(2), the following point is inserted:

‘(da) With regard to seafarers who are members of European Works Councils or special negotiating bodies, the agreement shall take account of the constraints arising from their frequent absences at sea or in ports in a country other than the one where their undertaking is based.’

Amendment 16

Proposal for a directive

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

Directive 2002/14/EC

Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

In Article 4, the following paragraph is added:

‘4a. Member States shall ensure that it is possible to provide members of a crew with information or to consult with them at a distance by means of electronic communication.’

Amendment 17

Proposal for a directive

Article 4 – paragraph 1 – point 3 a (new)

Directive 98/59/EC

Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(3a) In Article 4, the following paragraph is added:

‘4a. Any provisions in national law or in collective agreements in relation to collective redundancies of members of crews shall not be affected by this Directive, provided that they guarantee at least the same degree of protection as this Directive.’

Amendment 18

Proposal for a directive

Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

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.

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.

PROCEDURE

Title	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		
References	COM(2013)0798 – C7-0409/2013 – 2013/0390(COD)		
Committee responsible Date announced in plenary	EMPL 21.11.2013		
Opinion by Date announced in plenary	PECH 21.11.2013		
Rapporteur Date appointed	Liadh Ní Riada 4.9.2014		
Discussed in committee	5.11.2014	4.12.2014	21.1.2015
Date adopted	24.2.2015		
Result of final vote	+: -: 0:	23 1 0	
Members present for the final vote	Marco Affronte, Clara Eugenia Aguilera García, Renata Briano, Alain Cadec, Richard Corbett, Diane Dodds, Linnéa Engström, João Ferreira, Raymond Finch, Ian Hudghton, Carlos Iturgaiz, Werner Kuhn, António Marinho e Pinto, Gabriel Mato, Norica Nicolai, Liadh Ní Riada, Ulrike Rodust, Remo Sernagiotto, Ricardo Serrão Santos, Isabelle Thomas, Ruža Tomašić, Jarosław Wałęsa		
Substitutes present for the final vote	José Blanco López, Ole Christensen, Sylvie Goddyn, Marek Józef Gróbarczyk, Verónica Lope Fontagné		