

Council Directive 2009/13/EC of 16 February 2009 implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC

- Article 1 This Directive implements the Agreement on Maritime Labour Convention, 2006,...
- Article 2 The Annex to Council Directive 1999/63/EC is amended as follows:...
- Article 3 (1) Member States may maintain or introduce more favourable provisions...
- Article 4 Member States shall determine what penalties are applicable when national...
- Article 5 (1) Member States shall bring into force the laws, regulations...
- Article 6 The application of the principle of substantial equivalence mentioned in...
- Article 7 This Directive shall enter into force on the date of...
- Article 8 This Directive is addressed to the Member States.

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ANNEX

AGREEMENT

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

PREAMBLE

DEFINITIONS AND SCOPE OF APPLICATION

1. For the purpose of this Agreement and unless provided otherwise...
2. Except as expressly provided otherwise, this Agreement applies to all...
3. In the event of doubt as to whether any categories...
4. Except as expressly provided otherwise, this Agreement applies to all...
5. In the event of doubt as to whether this Agreement...

THE REGULATIONS AND THE STANDARDS

TITLE 1

MINIMUM REQUIREMENTS FOR SEAFARERS TO WORK ON A SHIP

Regulation 1.1 — Minimum age

1. No person below the minimum age shall be employed or...
2. A higher minimum age shall be required in the circumstances...

Standard A1.1 — Minimum age

Regulation 1.2 — Medical certificate

Regulation 1.3 — Training and qualifications

1. Seafarers shall not work on a ship unless they are...

2. Seafarers shall not be permitted to work on a ship...
3. Training and certification in accordance with the mandatory instruments adopted...

## TITLE 2

### CONDITIONS OF EMPLOYMENT

#### Regulation 2.1 — Seafarers' employment agreements

1. The terms and conditions for employment of a seafarer shall...
2. Seafarers' employment agreements shall be agreed to by the seafarer...
3. To the extent compatible with the Member State's national law...

#### Standard A2.1 — Seafarers' employment agreements

1. Each Member State shall adopt laws or regulations requiring that...
2. Where a collective bargaining agreement forms all or part of...
3. The document referred to in paragraph 1(e) of this Standard...
4. Each Member State shall adopt laws and regulations specifying the...
5. Each Member State shall adopt laws or regulations establishing minimum...
6. A notice period shorter than the minimum may be given...

#### Regulation 2.3 — Hours of work and hours of rest...

#### Regulation 2.4 — Entitlement to leave

1. Each Member State shall require that seafarers employed on ships...
2. Seafarers shall be granted shore leave to benefit their health...

#### Regulation 2.5 — Repatriation

1. Seafarers have a right to be repatriated at no cost...
2. Each Member State shall require ships that fly its flag...

#### Standard A2.5.1 — Repatriation

1. Each Member State shall ensure that seafarers on ships that...
2. Each Member State shall ensure that there are appropriate provisions...
3. Each Member State shall prohibit shipowners from requiring that seafarers...
4. National laws and regulations shall not prejudice any right of...
5. If a shipowner fails to make arrangements for or to...
6. Taking into account applicable international instruments, including the International Convention...
7. Each Member State shall facilitate the repatriation of seafarers serving...
8. In particular, a Member State shall not refuse the right...
9. Each Member State shall require that ships that fly its...

#### Standard A2.5.2 — Financial security

1. In implementation of Regulation 2.5, paragraph 2, this Standard establishes...
2. For the purposes of this Standard, a seafarer shall be...
3. Each Member State shall ensure that a financial security system...
4. The financial security system shall provide direct access, sufficient coverage...
5. For the purposes of paragraph 2(b) of this Standard, necessary...
6. Each Member State shall require that ships that fly its...
7. The certificate or other documentary evidence of financial security shall...
8. Assistance provided by the financial security system shall be granted...
9. Having regard to Regulation 2.5, assistance provided by the financial...
10. The cost of repatriation shall cover travel by appropriate and...

11. The financial security shall not cease before the end of...
  12. If the provider of insurance or other financial security has...
  13. Nothing in this Standard shall prejudice any right of recourse...
  14. The provisions in this Standard are not intended to be...
- Regulation 2.6 — Seafarer compensation for the ship's loss or...
- Standard A2.6 — Seafarer compensation for the ship's loss or...
1. Each Member State shall make rules ensuring that, in every...
  2. The rules referred to in paragraph 1 of this Standard...
- Regulation 2.7 — Manning levels
- Regulation 2.8 — Career and skill development and opportunities for...
- Standard A2.8 — Career and skill development and employment opportunities...
1. Each Member State shall have national policies that encourage career...
  2. The aim of the policies referred to in paragraph 1...
  3. Each Member State shall, after consulting the shipowners' and seafarers'...

### TITLE 3

## ACCOMMODATION, RECREATIONAL FACILITIES, FOOD AND CATERING

- Standard A3.1 — Accommodation and recreational facilities
1. Ships regularly trading to mosquito-infested ports shall be fitted with...
  2. Appropriate seafarers' recreational facilities, amenities and services, as adapted to...
  3. The competent authority shall require frequent inspections to be carried...
  4. In the case of ships where there is need to...
- Regulation 3.2 — Food and catering
1. Each Member State shall ensure that ships that fly its...
  2. Seafarers on board a ship shall be provided with food...
  3. Seafarers employed as ships' cooks with responsibility for food preparation...
- Standard A3.2 — Food and catering
1. Each Member State shall adopt laws and regulations or other...
  2. Each Member State shall ensure that ships that fly its...
  3. Shipowners shall ensure that seafarers who are engaged as ships'...
  4. The requirements under paragraph 3 of this Standard shall include...
  5. On ships operating with a prescribed manning of less than...
  6. In circumstances of exceptional necessity, the competent authority may issue...
  7. The competent authority shall require that frequent documented inspections be...
  8. No seafarer under the age of 18 shall be employed...

### TITLE 4

## HEALTH PROTECTION, MEDICAL CARE AND WELFARE

- Regulation 4.1 — Medical care on board ship and ashore...
1. Each Member State shall ensure that all seafarers on ships...
  2. Each Member State shall ensure that seafarers on board ships...
  3. The requirements for on-board health protection and medical care include...
- Standard A4.1 — Medical care on board ship and ashore...

1. Each Member State shall ensure that measures providing for health...
2. The competent authority shall adopt a standard medical report form...
3. Each Member State shall adopt laws and regulations establishing requirements...
4. National laws and regulations shall as a minimum provide for...

#### Regulation 4.2 — Shipowners' liability

1. Each Member State shall ensure that measures are in place...
2. This Regulation does not affect any other legal remedies that...

#### Standard A4.2.1 — Shipowners' liability

1. Each Member State shall adopt laws and regulations requiring that...
2. National laws or regulations may limit the liability of the...
3. Where the sickness or injury results in incapacity for work...
4. National laws or regulations may limit the liability of the...
5. National laws or regulations may exclude the shipowner from liability...
6. National laws or regulations may exempt the shipowner from liability...
7. Shipowners or their representatives shall take measures for safeguarding property...
8. National laws and regulations shall provide that the system of...
9. National laws and regulations shall ensure that seafarers receive prior...
10. National laws and regulations shall ensure that the competent authority...
11. Each Member State shall require that ships that fly its...
12. The financial security shall not cease before the end of...
13. The financial security shall provide for the payment of all...
14. The certificate or other documentary evidence of financial security shall...

#### Standard A4.2.2 — Treatment of contractual claims

1. For the purposes of Standard A4.2.1, paragraph 8, and the...
2. The system of financial security, as provided for in Standard...
3. National laws and regulations shall ensure that effective arrangements are...

#### Regulation 4.3 — Health and safety protection and accident prevention...

1. Each Member State shall ensure that seafarers on ships that...
2. Each Member State shall develop and promulgate national guidelines for...
3. Each Member State shall adopt laws and regulations and other...

#### Standard A4.3 — Health and safety protection and accident prevention...

1. The laws and regulations and other measures to be adopted...
2. The provisions referred to in paragraph 1 of this Standard...
3. The laws and regulations and other measures referred to in...
4. Compliance with the requirements of applicable international instruments on the...
5. The competent authority shall ensure that:
6. Reporting and investigation of occupational safety and health matters shall...
7. The competent authority shall cooperate with shipowners' and seafarers' organisations...
8. The competent authority shall require that shipowners conducting risk evaluation...

#### Regulation 4.4 — Access to shore-based welfare facilities

#### Standard A4.4 — Access to shore-based welfare facilities

1. Each Member State shall require, where welfare facilities exist on...

2. Each Member State shall promote the development of welfare facilities...
3. Each Member State shall encourage the establishment of welfare boards...

## TITLE 5

### COMPLIANCE AND ENFORCEMENT

#### Regulation 5.1.5 — On-board complaint procedures

1. Each Member State shall require that ships that fly its...
2. Each Member State shall prohibit and penalise any kind of...
3. The provisions in this Regulation are without prejudice to a...

#### Standard A5.1.5 — On-board complaint procedures

1. Without prejudice to any wider scope that may be given...
2. Each Member State shall ensure that, in its laws or...
3. The on-board complaint procedures shall include the right of the...
4. In addition to a copy of their seafarers' employment agreement,...

## FINAL PROVISIONS

## ANNEX A

### AMENDMENTS TO THE AGREEMENT ON THE ORGANISATION OF WORKING TIME...

1. Clause 1
2. Clause 2(c)
3. Clause 2 (d)
4. Clause 6
5. Clause 13
6. Clause 16:

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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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- (1) OJ L 183, 29.6.1989, p. 1.
- (2) OJ C 321, 31.12.2003, p. 1.
- (3) OJ L 167, 2.7.1999, p. 33.