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REPORT

from: General Secretariat of the Council
to: Permanent Representatives Committee (Part I)

No. Cion prop.: 16472/13 SOC 960 MAR 180 CODEC 2641 - COM(2013) 798 final

Subject: 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 2002/23/EC.
- Analysis of the final compromise text with a view to agreement

I. INTRODUCTION

On 11 December 2014, the Council (EPSCO) reached a general approach on the text of the draft Directive (doc. 5203/15).

At its meeting on 1 April 2015, the EP Employment and Social Affairs Committee adopted a draft legislative resolution and unanimously voted in favour of entering into negotiations with the Council with a view to reaching an agreement in first reading.

On 15 April, the Social Questions Working Party examined the 23 amendments put forward by Parliament.

On 29 April, the Committee mandated the Presidency to enter into informal negotiations with Parliament on the basis of the proposals as set out in the fourth column of the table laid down in Annex to doc. 8105/15.

At the trilogue meeting on 6 May 2015, the representatives of the three institutions reached a provisional agreement on the proposal, subject to the approval of the Permanent Representatives Committee. Overall, the compromise text respects the objectives of the Council position.

In the operative part of the Directive, in particular, most of the modifications were of legal and/or technical nature. The European Parliament agreed with the Council's General approach in these parts. Differences in the language in some of the amendments (for instance AM 15 and AM 21) resulted from translation. In Article 2 - point 1a (new) last paragraph, dealing with the possibility of using new information and communication technologies, the Parliament also accepted the compromise language proposed by the Council.

Regarding the recitals, the European Parliament agreed also on a large number of its amendments with the Council position. The negotiations concentrated on a limited number of issues on which a compromise agreement could eventually be found. These issues were:

- Recital 3 regarding the reference to discrimination in amendment 3. A compromise wording was found stating that seafarers are subject to unequal treatment depending if the Member State applies or not the exclusions (as indicated in recital 5);
- Recitals 9 and 11d (amendments 9 and 14): the European Parliament agreed to integrate the substance of recital 11d in recital 9 by explicitly referring to the use of Internet on board of ships, in addition to new technologies for remote communications, for the purpose of information and consultation requirements;
- Recitals 11a and 11b (amendments 11 and 12): at the European Parliament 's request, it was agreed to include the main substance of recital 11a (fair conditions of employment, health and safety standards and professional training) in recital 11b which relates to the ILO Maritime Labour Convention. It was also agreed to include a wording stating that the Convention and the mentioned Directives contribute to a level playing field also within the Union.

II. CONCLUSION

Should the Permanent Representatives Committee approve the informally agreed text as set out in the Addendum to this Report, the formal procedure requires that a letter be sent by the President of the Permanent Representatives Committee to the Parliament proposing that an agreement at first reading could be reached, subject to Parliament agreeing to adopt, at its plenary session, the text in the form set out in the compromise package contained in the Addendum, subject to revision by the legal linguists of both institutions.

In order to pave the way for the final adoption of the Directive, in accordance with Article 294 TFEU, the Permanent Representatives Committee is invited to confirm, on the basis of the consolidated text set out in the Addendum to this Report, that this text is acceptable and to agree to inform the Parliament accordingly.
