



STATUTORY INSTRUMENTS.

S.I. No. 15 of 2018



EUROPEAN COMMUNITIES (SEAFARERS) REGULATIONS 2018

EUROPEAN COMMUNITIES (SEAFARERS) REGULATIONS 2018

I, REGINA DOHERTY, Minister for Employment Affairs and Social Protection, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Directive 2015/1794 of the European Parliament and of the Council of 6 October 2015¹, hereby make the following regulations:

Citation

1. These Regulations may be cited as the European Communities (Seafarers) Regulations 2018.

Interpretation

2. (1) In these Regulations—

“Act of 1977” means the Protection of Employment Act 1977 (No. 7 of 1977);

“Directive” means Directive 2015/1794 of the European Parliament and of the Council of 6 October 2015¹.

(2) A word or expression which is used in these Regulations and which is also used in the Directive has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Directive.

Amendment of section 17 of Transnational Information and Consultation of Employees Act 1996

3. Section 17 of the Transnational Information and Consultation of Employees Act 1996 (No. 20 of 1996) is amended by the insertion of the following subsections after subsection (4):

“(4A) An employees’ representative, or an alternate of that representative, who is a member of the crew of a seagoing vessel, shall be entitled to participate in—

(a) a meeting of the Special Negotiating Body or of the European Works Council, or

(b) any other meeting within the framework of an agreement referred to in section 11(1),

where that employees’ representative, or that alternate, is not at sea or in a port in a country other than that in which the shipping company is domiciled, when the meeting takes place.

¹OJ No. L 263, 08.10.2015, p.1

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 23rd January, 2018.

(4B) A meeting referred to in subsection (4A) shall, where practicable, be scheduled to facilitate the participation of an employees' representative, or an alternate of that representative, who is a member of the crew of a seagoing vessel.

(4C) Where an employees' representative, or an alternate of that representative, who is a member of the crew of a seagoing vessel, is unable to attend a meeting, the possibility of using, where possible, new information and communications technologies shall be considered.”.

Amendment of Act of 1977

4. (1) Section 7 of the Act of 1977 is amended in subsection (2) by the deletion of paragraph (d).

(2) Section 12 of the Act of 1977 is amended by the insertion of the following subsection after subsection (4):

“(5) Where the proposal to create collective redundancies concerns members of the crew of a seagoing vessel, the employer shall—

- (a) where the vessel flies the Irish flag, notify the Minister in accordance with subsection (1), or
- (b) where the vessel flies the flag of another State, notify the competent authority of that other State.”.

Amendment of European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003

5. Regulation 3 of the European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003 (S.I. No. 131 of 2003) is amended—

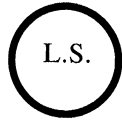
(a) by the substitution of the following paragraph for paragraph (5):

“(5) These Regulations shall, subject to paragraph (6), apply to a 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 this Regulation, if the transferee is situated, or the transferred undertaking, business, or part of an undertaking or business remains, within the territorial scope of the Treaty.”,

and

(b) by the insertion of the following paragraph after paragraph (5):

“(6) These Regulations shall not apply to a transfer which consists exclusively of one or more seagoing vessels.”.



GIVEN under my Official Seal
18 January 2018.

REGINA DOHERTY,
Minister for Employment Affairs and Social Protection.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

The purpose of these Regulations is to transpose Directive (EU) 2015/1794 of the European Parliament and of the Council of 6 October 2015 (Seafarers Directive) into Irish Law by removing the exclusion of Seafarers in the Protection of Employment Act 1977 and the European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003.

The Regulations also clarify the position of seafarers in relation to certain aspects of the Transnational Information and Consultation of Employees Act 1996 and the Transfer of Undertakings Regulations.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€2.54



Wt. (B33219). 285. 1/18. Essentra. Gr 30-15.