
INTERNATIONAL LABOUR ORGANIZATION

**International Labour Standards Department
Sectoral Activities Programme**

PTMLC/2011

**Second Meeting of the Preparatory
Tripartite MLC, 2006, Committee**

Geneva, 12–14 December 2011

INTERNATIONAL LABOUR OFFICE, GENEVA

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Second Meeting of the Preparatory Tripartite MLC, 2006, Committee (PTMLC) (Geneva, 12–14 December 2011)

Introductory note

The following is a proposal for Standing Orders for the Special Tripartite Committee to be established by the Governing Body in line with Article XIII of the Maritime Labour Convention, 2006 (MLC, 2006). This proposal is therefore based on the Standing Orders for the Governing Body and at the same time reflects the text of Article XIII and addresses the innovative role of the Special Tripartite Committee under Article VII of the MLC, 2006.

Both Articles and the amendment procedures under Article XV are contained in Annex 1 to these draft Standing Orders, which should be considered in the light of the Standing Orders of the Governing Body (Governing Body Standing Orders are also attached as Annex 2).

This proposal also takes into account the views of the Preparatory Tripartite MLC, 2006, Committee meeting (see PTMLC/2010/4, Appendix, “Outcome of the Preparatory Tripartite MLC, 2006, Committee meeting (20–22 September 2010)”, attached as Annex 3). The footnotes and annexes are for purposes of this draft only and would not be part of the Standing Orders that are adopted.

Draft

STANDING ORDERS OF THE SPECIAL TRIPARTITE COMMITTEE ESTABLISHED FOR THE MARITIME LABOUR CONVENTION, 2006

Article 1

Scope

These Standing Orders apply to the Special Tripartite Committee for the MLC, 2006 (hereinafter referred to as “the MLC Committee”) established by the Governing Body of the International Labour Office to give effect to Article XIII of the Maritime Labour Convention, 2006 (hereinafter referred to as “the Convention”).

Article 2

Mandate

The MLC Committee shall:

- (a) keep the working of the Convention under continuous review;
- (b) consider proposals for amendments to the Code of the Convention in accordance with Article XV of the Convention;
- (c) carry out the consultation referred to in Article VII of the Convention;
- (d) consider such other matters as may be assigned to it by the Governing Body.

Article 3

Meetings and agenda

1. Meetings of the MLC Committee shall be convened at regular intervals by the Governing Body, to keep the working of the Convention under continuous review in accordance with Article XIII, paragraph 1, of the Convention and to consider proposals to amend the Code of the Convention in accordance with Article XV of the Convention.¹

2. [The Governing Body shall establish the agenda of these meetings based on the proposals of the Officers referred to in Article 6 below.] or [The agenda of these meetings shall be adopted by the Officers referred to in Article 6 below, after consulting the Officers of the Governing Body.]

¹ In that respect, it is noted that in September 2010, the Preparatory Tripartite MLC, 2006, Committee meeting provided advice regarding two urgent matters related to amendments: see PTMLC/2010/4, Appendix, “Outcome of the Preparatory Tripartite MLC, 2006, Committee meeting (20–22 September 2010)”, point 3.

3. The MLC Committee shall at its meetings also consider [any reports of the Officers under Article 7, paragraph 7, below]² or [any advice prepared by the tripartite consultation panels pursuant to Article 14, paragraph 6, below]³ and deal with any other matter coming within the Committee's mandate under Article 2 above.

4. The agenda of meetings shall be circulated along with the invitation letter to the Government members of the MLC Committee, with a copy to the Governments of all other member States of the Organization (hereinafter referred to as "Members"), and to the Shipowner and the Seafarer representatives on the Committee through the secretariats of their respective groups, no less than [four] months before the opening day of the meeting concerned.⁴

5. Submissions of the working documents or other papers or information for the consideration by the MLC Committee at its meeting shall be made available in electronic form⁵ by the International Labour Office no later than two months prior to the meetings.⁶

6. The Officers of the MLC Committee shall adjust the times referred to in paragraphs 4 and 5 above, where a meeting is convened at short notice.

Article 4

Composition

1. The composition of the MLC Committee shall be as set out in Article XIII, paragraph 2, of the Convention.

2. The nomination of the two Government representatives of Members that have ratified the Convention, including any changes in the nomination, shall be notified to the Director-General by the Government concerned. The notification shall indicate the names and functions of the two representatives. Any changes shall be notified under the same procedure.

3. The number of representatives of Shipowners and of Seafarers on the Committee shall be decided by the Governing Body. The representatives of Shipowners and Seafarers shall be appointed for a term of up to [three] [six] years by the Governing Body after

² The question of an ad hoc appointment of Officers for each meeting versus the need for some continuity to carry out functions between regular meetings, especially in connection with enabling the Article VII activities, was discussed but no clear view was reached by the PTMLC meeting in September 2010.

³ The procedures for dealing with any requests for consultation that may be made under Article VII are not yet decided.

⁴ Advice of the PTMLC meeting in September 2010 regarding the need for clear timelines for submissions and the provision of information to allow for consultation: see PTMLC/2010/4, Appendix.

⁵ This could be by email or, based on the advice of the PTMLC meeting in September 2010 regarding consideration of IMO practices, could require that the International Labour Office establish a [password protected] website to post documents [in English] for meetings.

⁶ Advice of the PTMLC meeting in September 2010 regarding the need for clear timelines for submissions and the provision of information to allow for consultation.

consultation with the Joint Maritime Commission in accordance with Article XIII, paragraph 2. A representative may be reappointed.

Article 5

Advisers; substitute representatives

1. Representatives may be accompanied by advisers.
2. Advisers to Government representatives shall be appointed by the government concerned, which shall notify the International Labour Office of their names and functions. Shipowner and Seafarer advisers may be nominated, respectively, by the Shipowners' group and the Seafarers' group, which shall notify the International Labour Office of their names.
3. Any adviser who has been authorized to do so by the representative whom they are accompanying shall have the right to participate in the meeting concerned but not the right to vote or to appoint a substitute.
4. A Government representative may, by notice in writing addressed to the chairperson, appoint one of her or his advisers to act as her or his substitute. The notice shall specify the sitting or sittings at which the substitute will act for the representative.
5. If a Shipowner or Seafarer representative is unable to attend a meeting or a sitting or sittings at a meeting, the group to which he/she belongs may, by notice in writing addressed to the chairperson, appoint a substitute in the manner decided by that group.
6. Substitutes appointed in accordance with this Article may take part in the debates and may vote under the same conditions as representatives.

Article 6

Officers of the MLC Committee

1. The Officers of the MLC Committee shall consist of a chairperson, a Government vice-chairperson, a Shipowner vice-chairperson and a Seafarer vice-chairperson.
2. The chairperson shall be proposed by the Government members of the Committee (i.e. from ratifying countries) and appointed by the Governing Body, for a term of up to [three] years.⁷ [A chairperson may be reappointed.]⁸ The chairperson shall have the right to take part in the discussions but shall not vote. Where the chairperson is a Government representative on the MLC Committee, her or his government may nominate another person as representative or substitute representative on the Committee.

⁷ The question of an ad hoc appointment of a chairperson for each meeting versus the need for some continuity to carry out functions between regular meetings, especially in connection with enabling the Article VII activities, was discussed but no clear view was reached by the PTMLC meeting in September 2010. See also Article 3, paragraph 3, above.

⁸ *idem*.

3. The vice-chairpersons shall be appointed by the MLC Committee for a term of up to [three] years and may be reappointed. The Government vice-chairperson shall be proposed by the Government representatives on the Committee from among those representatives. The Shipowner vice-chairperson and the Seafarer vice-chairperson shall be proposed, respectively by the Shipowner and Seafarer representatives on the Committee.

Article 7

Duties of the Officers

1. The chairperson shall preside over the sittings.
2. The vice-chairpersons shall preside in turn over the sittings or parts of the sittings at which the chairperson cannot be present and shall, while presiding, have the same powers as the chairperson.
3. A person who chairs a sitting shall have the right to take part in the discussion but shall not vote. While she or he chairs a sitting her or his rights as a representative may be exercised by a substitute as foreseen in Article 5.
4. The chairperson shall direct the debates, maintain order and ensure the observance of the present Standing Orders, put questions to the vote and announce the results thereof.
5. The Officers of the MLC Committee shall arrange the programme of work of the meetings, and fix the date and time of the sittings of the Committee and of its subsidiary bodies; they shall also report to the Committee on any other questions requiring a decision for the proper conduct of its business.
6. Subject to any relevant decisions of the Governing Body, the Officers shall distribute among themselves the duties of presiding over the discussions and over the subsidiary bodies of the meeting.
7. [In between meetings of the MLC Committee, its Officers shall have such other functions as may be conferred on them by these Standing Orders or the Committee. They shall report to the next meeting of the Committee in any case where they have carried out such functions.⁹]
8. Advisers to the Officers [may] [shall] accompany the Officers to all meetings.

Article 8

Admission to the sittings

The sittings of a meeting shall be public, unless the MLC Committee otherwise decides.

⁹ The question of an ad hoc appointment of Officers for each meeting versus the need for some continuity to carry out functions between regular meetings, especially in connection with enabling the Article VII activities, was discussed but no clear view was reached by the PTMLC meeting in September 2010. See footnotes 2, 7 and 8 above.

Article 9

Right to take part in the work of a meeting

1. No representative or adviser shall address the meeting without having asked and obtained the permission of the chairperson, who shall normally call upon speakers in the order in which they have signified their desire to speak.

2. Government representatives of Members which have not yet ratified the Convention may participate in the MLC Committee but shall have no right to vote on any matter under the Convention.¹⁰ They shall have the right to vote on any matter assigned to the Committee by the Governing Body in accordance with Article 2(d) above.

3. Representatives of official international organizations which have been invited to be represented at the meeting may participate in the Committee as observers.

4. Representatives of non-governmental international organizations or other entities with which the International Labour Organization has established consultative relationships, and with which standing agreements for such representation have been made, and representatives of other non-governmental international organizations which have been invited by the Governing Body to be represented at the meeting may attend as observers. The chairperson may, in agreement with the vice-chairpersons, permit such observers to make or circulate statements for the information of the meeting on matters included in its agenda.

5. The chairperson may withdraw the right to speak from any speaker whose remarks are not relevant to the subject under discussion.

6. The chairperson may, after consultation with the vice-chairpersons of the MLC Committee, fix a time limit for speeches.

Article 10

Motions and amendments

1. Motions as to procedure may be moved verbally, without previous notice and without having been seconded.

2. Other motions or amendments shall not be discussed unless they have been seconded. If moved by a representative who is the spokesperson of a group, it is deemed to have been seconded.

3. The chairperson, after consultation with the vice-chairpersons and the secretariat of the meeting, may set time limits for the submission of amendments.

4. Any amendment may be withdrawn by the person who moved it unless an amendment to it is under discussion or has been adopted. Any amendment so withdrawn may be moved without previous notice by any other person entitled to participate in the proceedings of the meeting with the right to vote.

¹⁰ See MLC, 2006, Article XIII, para. 3.

5. Any delegate may at any time draw attention to the fact that the Standing Orders are not being observed, and the chairperson shall give an immediate ruling on any question so raised.

Article 11

Proposals for amendments to the Code under Article XV

1. Proposals for the adoption of amendments to the Code shall follow the procedure set out in paragraph 2 of Article XV of the Convention.

2. Upon receipt of a supported proposal,¹¹ in accordance with Article XV, paragraphs 2 and 3, the Director-General shall promptly communicate the proposal¹² within [ten days] [two weeks] [one month] of receipt, accompanied by any comments or suggestions deemed appropriate, to all Members of the Organization, with an invitation to them to transmit their observations or suggestions concerning the proposal within a period of six months or such other period prescribed by the Governing Body in accordance with Article XV, paragraph 3.¹³

Article 12

Loss of the right to vote

The right to vote is subject to the provisions of article 13, paragraph 4, of the Constitution of the International Labour Organisation.

Article 13

Voting and quorum

1. Subject to paragraph 5, decisions shall normally be taken by consensus. In the absence of such consensus duly ascertained and announced by the chairperson, decisions shall – applying the weighting required by Article XIII, paragraph 4, of the Convention – be taken by a simple majority of the votes cast by the representatives who are present at the sitting and entitled to vote.

2. Voting shall normally be by a show of hands.

3. A vote is not valid unless the majority comprises the votes in favour of at least half the Government voting power, half the Shipowner voting power and half the Seafarer voting power of the representatives entitled to vote and registered at the meeting concerned.

¹¹ See MLC, 2006, Article XV, para. 2.

¹² The PTMLC meeting in September 2010 proposed that specific time be given for this communication.

¹³ MLC, 2006, Article XV, para. 3, provides for a minimum of three months and a maximum of nine months.

4. Where there is doubt as to the result of a vote by a show of hands, the chairperson may immediately take a record vote. She or he shall proceed to a record vote when the quorum has not been obtained in a vote by a show of hands.

5. A record vote shall be taken for the adoption of amendments to the Code in accordance with Article XV of the Convention.

6. A record vote shall be taken if a request to that effect is made before or immediately after a vote by a show of hands by a number of representatives representing at least one fifth of the total voting power of the representatives entitled to vote and registered at the meeting concerned.

7. The vote shall be recorded by the secretariat for the meeting and announced by the chairperson.

8. No motion shall be adopted if the weight of votes cast for and the weight of votes cast against are equal.

9. Any representative who definitively leaves the meeting before its termination and whose departure has been notified to the chairperson without authorizing a substitute to act in her or his place shall no longer be taken into account in the calculation of the voting powers pursuant to Article XIII, paragraph 4, of the Convention.

Article 14

Tripartite consultation under Article VII

1. The Officers acting on behalf of the MLC Committee shall establish three-member tripartite panels (hereinafter “tripartite consultation panels”) to prepare the advice of the Committee in performance of the consultation function entrusted to it under Article VII of the Convention after a request for consultation has been made by a ratifying Member. The composition of the panels shall take account of the different languages in which the procedure with the ratifying Member will need to be carried out.

2. Requests by a ratifying Member for consultation under Article VII of the Convention shall be made to the chairperson through the International Labour Office.

3. Where the Officers consider that a request is not covered by Article VII of the Convention, they shall refer the request back to the International Labour Office with a view to its providing appropriate advice to the Member concerned. Otherwise, the Officers shall, as soon as possible, refer the request to the consultation panel which is considered to be most appropriate for dealing with the request. Where a tripartite consultation panel is not available or is incomplete or where the chairperson and Officers consider such action to be appropriate for other reasons, they shall appoint other representatives on the Committee to establish a new panel.

4. After obtaining ¹⁴ – through electronic or other expeditious means – any necessary information, clarifications or material from the ratifying Member and from any other source that it considers useful, the tripartite consultation panel shall submit its advice to the chairperson of the Committee, with a copy to the three vice-chairpersons. The advice shall be submitted to the chairperson by the panel within [one month] from the receipt of

¹⁴ The PTMLC meeting in September 2010 considered the need for consultation by correspondence to reduce meeting costs and expedite the process.

the request by the ratifying Member or, where applicable, from the receipt of the information, clarifications or material requested from the ratifying Member.

5. The International Labour Office shall provide the panels with information on any views expressed by the International Labour Organization's supervisory bodies relevant to the issue to be considered by them.

6. [The Officers shall then review the advice prepared by the consultation panel. The MLC Committee may delegate to its Officers the power to adopt the advice on its behalf between sessions of the MLC Committee. In this case, if they unanimously agree with the advice prepared and consider that its submission to the next scheduled session of the MLC Committee could cause undue delay, the chairperson may transmit the advice forthwith to the ratifying Member as the advice of the Committee. In such a case, a copy of the information and material received and the advice sent to the ratifying Member shall be submitted to the next session of the Committee for information and comment. Otherwise,¹⁵] [t][T]he information, material and advice shall be transmitted to the next session for the Committee's decision.

Article 15

Subsidiary bodies

1. As it considers necessary, the MLC Committee may set up working groups or other subsidiary bodies, which shall consist of equal numbers of representatives appointed by each of the groups.

2. These Standing Orders shall apply insofar as relevant and with the necessary adaptations to the MLC Committee's subsidiary bodies.

Article 16

Reports to the Governing Body

Following its meetings referred to in Article 3 above, the MLC Committee, through its chairperson, shall report to the Governing Body on the working of the Convention. The report may contain recommendations to the Governing Body on action to be taken to ensure the effective, efficient and, to the extent deemed expedient, uniform implementation of the Convention.

Article 17

Amendments to the Code of the Convention

Amendments to the Code of the Convention that are adopted by the Committee – together with a commentary on the amendments concerned – shall promptly be communicated by the chairperson of the MLC Committee to the Governing Body for transmittal to the International Labour Conference in accordance with Article XV, paragraph 5, of the Convention.

¹⁵ See footnote 2 above. This will depend on whether the Officers are ad hoc appointments for a single meeting and, if continuing for a term, whether they are to be authorized to act for the MLC Committee between meetings.

Article 18

Languages

1. The working languages of the meetings of the MLC Committee shall be English, French and Spanish.
2. The International Labour Office shall make arrangements for interpretation and for translation of documents into and from other languages, taking into account the composition of the meeting.

Article 19

Interpretation of the Standing Orders

These Standing Orders shall not be interpreted or applied in any way that would be inconsistent with the Constitution of the International Labour Organisation or the provisions of the Convention.

Article 20

Groups

1. Subject to these Standing Orders, each group (Governments, Shipowners, Seafarers) shall control its own procedure.
2. At its first meeting each group shall elect a chairperson, at least one vice-chairperson and a secretary. The chairperson and the vice-chairperson(s) of the group shall be selected from among the representatives and advisers constituting the group; the secretary may be selected from among persons outside the group.
3. Each group shall hold meetings for:
 - (a) nominations required in pursuance of these Standing Orders such as the nomination of a vice-chairperson of the meeting and the nomination of members of tripartite consultation panels or subsidiary bodies;
 - (b) any other matter referred to groups by the Officers of the MLC Committee.
4. At such meetings, only representatives or, in their absence, duly appointed substitutes may vote and be nominated to serve on subsidiary bodies.

Article 21

Amendments to the Standing Orders

Amendments to these Standing Orders may be made by the Governing Body after consultation with the MLC Committee.

Annex 1

MLC, 2006 – Articles VII, XIII and XV

Consultation with shipowners' and seafarers' organizations

Article VII

Any derogation, exemption or other flexible application of this Convention for which the Convention requires consultation with shipowners' and seafarers' organizations may, in cases where representative organizations of shipowners or of seafarers do not exist within a Member, only be decided by that Member through consultation with the Committee referred to in Article XIII.

Special Tripartite Committee

Article XIII

1. The Governing Body of the International Labour Office shall keep the working of this Convention under continuous review through a committee established by it with special competence in the area of maritime labour standards.

2. For matters dealt with in accordance with this Convention, the Committee shall consist of two representatives nominated by the Government of each Member which has ratified this Convention, and the representatives of Shipowners and Seafarers appointed by the Governing Body after consultation with the Joint Maritime Commission.

3. The Government representatives of Members which have not yet ratified this Convention may participate in the Committee but shall have no right to vote on any matter dealt with in accordance with this Convention. The Governing Body may invite other organizations or entities to be represented on the Committee by observers.

4. The votes of each Shipowner and Seafarer representative in the Committee shall be weighted so as to ensure that the Shipowners' group and the Seafarers' group each have half the voting power of the total number of governments which are represented at the meeting concerned and entitled to vote.

Amendments to the Code

Article XV

1. The Code may be amended either by the procedure set out in Article XIV or, unless expressly provided otherwise, in accordance with the procedure set out in the present Article.

2. An amendment to the Code may be proposed to the Director-General of the International Labour Office by the government of any Member of the Organization or by the group of Shipowner representatives or the group of Seafarer representatives who have been appointed to the Committee referred to in Article XIII. An amendment proposed by a government must have been proposed by, or be supported by, at least five governments of Members that have ratified the Convention or by the group of Shipowner or Seafarer representatives referred to in this paragraph.

3. Having verified that the proposal for amendment meets the requirements of paragraph 2 of this Article, the Director-General shall promptly communicate the proposal, accompanied by any comments or suggestions deemed appropriate, to all Members of the Organization, with an invitation to them to transmit their observations or suggestions concerning the proposal within a period of six months or such other period (which shall not be less than three months nor more than nine months) prescribed by the Governing Body.

4. At the end of the period referred to in paragraph 3 of this Article, the proposal, accompanied by a summary of any observations or suggestions made under that paragraph, shall be transmitted to the Committee for consideration at a meeting. An amendment shall be considered adopted by the Committee if:

- (a) at least half the governments of Members that have ratified this Convention are represented in the meeting at which the proposal is considered; and
- (b) a majority of at least two-thirds of the Committee members vote in favour of the amendment; and
- (c) this majority comprises the votes in favour of at least half the government voting power, half the Shipowner voting power and half the Seafarer voting power of the Committee members registered at the meeting when the proposal is put to the vote.

5. Amendments adopted in accordance with paragraph 4 of this Article shall be submitted to the next session of the Conference for approval. Such approval shall require a majority of two-thirds of the votes cast by the delegates present. If such majority is not obtained, the proposed amendment shall be referred back to the Committee for reconsideration should the Committee so wish.

6. Amendments approved by the Conference shall be notified by the Director-General to each of the Members whose ratifications of this Convention were registered before the date of such approval by the Conference. These Members are referred to below as “the ratifying Members”. The notification shall contain a reference to the present Article and shall prescribe the period for the communication of any formal disagreement. This period shall be two years from the date of the notification unless, at the time of approval, the Conference has set a different period, which shall be a period of at least one year. A copy of the notification shall be communicated to the other Members of the Organization for their information.

7. An amendment approved by the Conference shall be deemed to have been accepted unless, by the end of the prescribed period, formal expressions of disagreement have been received by the Director-General from more than 40 per cent of the Members which have ratified the Convention and which represent not less than 40 per cent of the gross tonnage of the ships of the Members which have ratified the Convention.

8. An amendment deemed to have been accepted shall come into force six months after the end of the prescribed period for all the ratifying Members except those which had formally expressed their disagreement in accordance with paragraph 7 of this Article and have not withdrawn such disagreement in accordance with paragraph 11. However:

- (a) before the end of the prescribed period, any ratifying Member may give notice to the Director-General that it shall be bound by the amendment only after a subsequent express notification of its acceptance; and
- (b) before the date of entry into force of the amendment, any ratifying Member may give notice to the Director-General that it will not give effect to that amendment for a specified period.

9. An amendment which is the subject of a notice referred to in paragraph 8(a) of this Article shall enter into force for the Member giving such notice six months after the Member has notified the Director-General of its acceptance of the amendment or on the date on which the amendment first comes into force, whichever date is later.

10. The period referred to in paragraph 8(b) of this Article shall not go beyond one year from the date of entry into force of the amendment or beyond any longer period determined by the Conference at the time of approval of the amendment.

11. A Member that has formally expressed disagreement with an amendment may withdraw its disagreement at any time. If notice of such withdrawal is received by the Director-General after the amendment has entered into force, the amendment shall enter into force for the Member six months after the date on which the notice was registered.

12. After entry into force of an amendment, the Convention may only be ratified in its amended form.

13. To the extent that a maritime labour certificate relates to matters covered by an amendment to the Convention which has entered into force:

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- (a) a Member that has accepted that amendment shall not be obliged to extend the benefit of the Convention in respect of the maritime labour certificates issued to ships flying the flag of another Member which:
 - (i) pursuant to paragraph 7 of this Article, has formally expressed disagreement to the amendment and has not withdrawn such disagreement; or
 - (ii) pursuant to paragraph 8(a) of this Article, has given notice that its acceptance is subject to its subsequent express notification and has not accepted the amendment; and
 - (b) a Member that has accepted the amendment shall extend the benefit of the Convention in respect of the maritime labour certificates issued to ships flying the flag of another Member that has given notice, pursuant to paragraph 8(b) of this Article, that it will not give effect to that amendment for the period specified in accordance with paragraph 10 of this Article.

Annex 2

Governing Body Standing Orders

See <http://www.ilo.org/public/english/bureau/leg/download/compendium2011.pdf>

Annex 3

Outcome of the Preparatory Tripartite MLC, 2006, Committee meeting (20–22 September 2010)

1. The Committee was established by the Governing Body of the ILO with the mandate to “keep under review the preparations by Members for implementing the MLC, 2006, identify any common issues and prepare the work for the future Special Tripartite Committee on any questions that might need to be dealt with as a matter of urgency after entry into force of the Convention, including the rules of procedure of the Committee”.
2. A summary of main outcomes of the Committee’s discussion on these areas is set out below. A report on the meeting will be prepared after the meeting.

1. Review of Member preparations

3. Information was presented by many Governments on their preparations for ratification, if they had not yet ratified, and on their implementation activities. Several representatives indicated that they expected their countries to ratify by either the end of 2010 or during 2011. A few Governments indicated that it would be helpful to have sample provisions or legislative guidance on the MLC, 2006, developed by the ILO.

2. The process for developing Standing Orders for the Article XIII Special Tripartite Committee

4. The meeting was asked to provide its views on possible Standing Orders for the Article XIII Special Tripartite Committee.
5. The Committee expressed its strong interest in the Standing Orders and their development. In particular, there was a concern expressed about the importance of the present members of the Committee being afforded an opportunity for review of a draft text of the Standing Orders before they are finally adopted by the Governing Body. Specifically, the Committee considered that it would be useful if a second meeting could be arranged to discuss a draft text, once developed. The Committee noted that many of the elements of the Standing Orders could be drawn from existing ILO Standing Orders. However, there were also some functions of the Special Tripartite Committee that were unique and required special attention.
6. In the preparation of the first draft by the Office in consultation with the Officers, the following areas were identified as needing special attention.

General (Composition of the Article XIII Committee: Dealt with in Article XIII)

- Terms of reference for the Article XIII Committee including the function of “continuous review” and relationship to the supervisory and other ILO bodies.
- Officers: Number of vice-chairpersons, powers of chairpersons and vice-chairpersons, appointed for a term or ad hoc and length of appointment?
- Rights of non-ratifying governments (what is the scope of “participation”, “with no right to vote” in Article XIII, paragraph 3?).
- Methods of voting.
- Frequency of regular meetings.
- Timeline for the submission of documents, taking into account IMO practices, and for the availability of office documents.

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- Communication with the Governing Body.

Amendment of the Code (Article XV)

- Process for making proposals for amendments and gathering required support (see paragraph 2).
- Time given to the Director-General to “promptly communicate” the proposal to ILO Members (see paragraph 3).
- Time limit for transmitting observations on the proposal (“three to nine months”, see paragraph 3).
- Procedure for transmitting amendments to the ILC.

Consultation under Article VII

- Possibility of Committee to delegate this function to:
 - its Officers?
 - subcommittee(s)? or expert groups?
 - pool of designated Members?
- Participation of non-ratifying Members?
- Possibility for consultation by correspondence.
- Process for a government to request consultation.
- Process and time limit for communicating the Committee’s views to governments.
- Requirement for reporting to the Committee in the case of consultation by delegation or through correspondence.
- Recording of views provided by the Committee in the consultation process.

3. Identification of urgent matters for the Special Tripartite Committee, once established, and any preparatory work that would be needed

7. The Committee was of the view that once the Special Tripartite Committee has been established, one urgent action will be the review and consideration of the principles agreed at the Ninth Session of the Joint IMO–ILO Ad Hoc Expert Working Group on Liability and Compensation Regarding Claims for Death, Personal Injury and Abandonment of Seafarers (Joint Working Group) in March 2009. The Special Tripartite Committee would need to assess, first, whether or not these principles could take the form of amendments to the Code of the MLC, 2006, and, if so, propose a draft text for amendments, in accordance with Article XV of the MLC, 2006. Since the first question (concerning what is included in the Code) is likely to depend on a substantive discussion of the principles themselves, and since they had been thoroughly discussed at the preparatory level, the Committee was of the view that the principles, as adopted by the Working Group, should be transmitted directly to the Special Tripartite Committee without any further preparatory work.

4. Identification of common issues and potential approaches to solutions

8. The following areas of common difficulty were identified and views exchanged on some potential solutions or approaches.
 - The application of Title 3 – Accommodation – requirements to large commercial yachts.
 - The application of the MLC, 2006 requirements to ships of less than 200 gt that do not go on international voyages.

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- The application of the MLC, 2006 requirements to ships above 200 gt that do not go on international voyages.
 - Limited scope of the Standard A3.1, paragraph 20 exemptions for ships of less than 200 gt that go on international voyages (and are thus not covered by Article II, paragraph 6).
9. The general view was expressed that these four areas could usually be addressed within the existing definitions and the flexibility mechanisms in the Convention, including use of substantial equivalence. Some matters such as details of accommodation as it applies to particular ships might need amendment in the future once the Convention enters into force to achieve a more uniform approach.
- The application of the MLC, 2006, to MODUs.
10. There were differing views and national practices on this matter at present but no particular solution was discussed.
- The obligation of Members to consult when exercising flexibility and the situation for countries that do not have appropriate social partners.
11. It was noted that the Article VII mechanism could not operate before the Convention comes into force.

5. Other issues

12. These were a number of specific matters and questions raised with the Office or the meeting by individual representatives of Governments or by the Shipowners or Seafarers, that did not appear to be common issues of difficulty for implementation.
13. There was discussion on developing an electronic MLC, 2006 database in cooperation with the IMO–PSC MOU database, but there were questions about duplication of information and resources.