

6. Zakon o ratifikaciji Sporazuma o skupnem zračnem prostoru med Evropsko unijo in njenimi državami članicami ter Republiko Moldavijo (MSZPEUMD)

Na podlagi druge alineje prvega odstavka 107. člena in prvega odstavka 91. člena Ustave Republike Slovenije izdajam

U K A Z

o razglasitvi Zakona o ratifikaciji Sporazuma o skupnem zračnem prostoru med Evropsko unijo in njenimi državami članicami ter Republiko Moldavijo (MSZPEUMD)

Razglasjam Zakon o ratifikaciji Sporazuma o skupnem zračnem prostoru med Evropsko unijo in njenimi državami članicami ter Republiko Moldavijo (MSZPEUMD), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 26. januarja 2016.

Št. 003-02-1/2016-7
Ljubljana, dne 3. februarja 2016

Borut Pahor l.r.
Predsednik
Republike Slovenije

Z A K O N

O RATIFIKACIJI SPORAZUMA O SKUPNEM ZRAČNEM PROSTORU MED EVROPSKO UNIJO IN NJENIMI DRŽAVAMI ČLANICAMI TER REPUBLIKO MOLDAVIJO (MSZPEUMD)

1. člen

Ratificira se Sporazum o skupnem zračnem prostoru med Evropsko unijo in njenimi državami članicami ter Republiko Moldavijo, podpisan 26. junija 2012 v Bruslju.

2. člen

Besedilo sporazuma v slovenščini je objavljeno v Uradnem listu Evropske unije UL L št. 292 z dne 20. 10. 2012, str. 3 ([št. L 292 z dne 20. 10. 2012, str. 3](#))¹.

3. člen

Za izvajanje sporazuma skrbi ministrstvo, pristojno za infrastrukturo.

4. člen

Ta zakon začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 326-06/15-13/9
Ljubljana, dne 26. januarja 2016
EPA 974-VII

Državni zbor
Republike Slovenije
dr. Milan Brglez l.r.
Predsednik

¹ Overjena kopija besedila sporazuma v njegovih verodostojnih jezikih je na vpogled tudi v Sektorju za mednarodno pravo Ministrstva za zunanje zadeve.

7. Zakon o ratifikaciji Konzorcijskega sporazuma Elixir o ustanovitvi Evropske infrastrukture za vede o življenju in biološke informacije (ELIXIR) (MSŽBI)

Na podlagi druge alineje prvega odstavka 107. člena in prvega odstavka 91. člena Ustave Republike Slovenije izdajam

U K A Z

o razglasitvi Zakona o ratifikaciji Konzorcijskega sporazuma Elixir o ustanovitvi Evropske infrastrukture za vede o življenju in biološke informacije (ELIXIR) (MSŽBI)

Razglašam Zakon o ratifikaciji Konzorcijskega sporazuma Elixir o ustanovitvi Evropske infrastrukture za vede o življenju in biološke informacije (ELIXIR) (MSŽBI), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 26. januarja 2016.

Št. 003-02-1/2016-6

Ljubljana, dne 3. februarja 2016

Borut Pahor l.r.
Predsednik
Republike Slovenije

Z A K O N

O RATIFIKACIJI KONZORCIJSKEGA SPORAZUMA ELIXIR O USTANOVITVI EVROPSKE INFRASTRUKTURE ZA VEDE O ŽIVLJENJU IN BIOLOŠKE INFORMACIJE (ELIXIR) (MSŽBI)

1. člen

Ratificira se Konzorcijski sporazum Elixir o ustanovitvi Evropske infrastrukture za vede o življenju in biološke informacije (ELIXIR), sklenjen v Heidelbergu 26. junija 2013.

2. člen

Sporazum se v izvirniku v angleškem jeziku in prevodu v slovenskem jeziku glasi:

ELIXIR CONSORTIUM AGREEMENT
ESTABLISHING
THE EUROPEAN LIFE-SCIENCE INFRASTRUCTURE FOR BIOLOGICAL INFORMATION (ELIXIR)

Preamble

The ELIXIR Members hereby agree to establish the “*European Life-Science Infrastructure for Biological Information*” (**ELIXIR**), a research infrastructure organized in the form of a central hub and distributed nodes, which shall operate and manage, in the widest sense of these terms, an interlinked collection of biological data resources, tools and literature. ELIXIR is a research infrastructure of global significance, open to scientists of all disciplines. ELIXIR aims to be an inclusive research infrastructure that encourages the accession of new members.

The ELIXIR Members,

- acknowledging that the demand from life science researchers for data resources is constantly increasing;
- acknowledging the current data deluge and the fact that ELIXIR provides an opportunity to ensure that Europe's life sciences data is managed effectively using scalable solutions;
- acknowledging that significant coordination activities in specific areas can be shared between the ELIXIR Hub and the ELIXIR Nodes;
- acknowledging that ELIXIR Nodes will be located in ELIXIR Member States;
- acknowledging that ELIXIR Nodes will be selected institutes based on criteria of excellence and upon approval by the ELIXIR Board;
- acknowledging that ELIXIR Nodes receive all possible support through the ELIXIR Hub to the extent that it falls within the limits of its mission;
- recognising that a co-ordinated international effort in the form of ELIXIR is needed to upgrade and maintain existing data resources and to establish new resources as necessary;
- recognising the importance of supporting the various national bioinformatics scientific communities and in particular existing and potential ELIXIR Nodes, where that support is in the best interests of the ELIXIR Members in the light of ELIXIR's mission;
- recognising the importance of ensuring that the ELIXIR Nodes have the means to provide pan-European ELIXIR services as requested through the ELIXIR Members;
- recognising the national investment in establishing ELIXIR, the Hub aims to provide appropriate and proportionate support to ensure maximum coordination and integration of the respective Node within ELIXIR to achieve maximum scientific impact;
- recognising that data and knowledge provided by ELIXIR will be freely accessible, although controlled access shall be implemented where necessary;
- recognising that ELIXIR's challenges can best be addressed by combining European and national operations;
- recognising the importance of ELIXIR's management based on criteria of scientific and service provision excellence; and
- recognising the need for extensive training in general areas of data resources and bioinformatics infrastructures,

have decided as follows:

1. Definitions and Interpretation

1.1 Definitions

For purposes of this Agreement, the following terms and expressions shall have the following meaning:

Agreement	This ELIXIR Consortium Agreement, including all annexes thereto.
Node Applicant	Research institute that applies to become an ELIXIR Node.
Collaboration Agreement	Agreement concluded for a specified period between the EMBL on behalf of the ELIXIR Board and a Node Applicant, which confers it the status of ELIXIR Node.
Commissioned Services	Technical and administrative services that fall under the responsibility of the ELIXIR Hub and are funded through the ELIXIR Budget; they may be carried out by one of the ELIXIR Nodes pursuant to a Collaboration Agreement or by the EMBL pursuant to a Work Programme.
Core Responsibilities	Shall have the meaning set forth in Article 5.4.1.
Defaulting ELIXIR Member or Member State	An ELIXIR Member or Member State identified by the ELIXIR Board as being in breach of this Agreement as specified in Articles 4.4.1 and 6.2.7 of this Agreement.
ELIXIR	Has the meaning set out in the Preamble and as specified under Article 3.1.
ELIXIR Board	The principal decision-making body, which is composed of representatives of the ELIXIR Members.

ELIXIR Budget	This comprises all planned revenues and expenditures which shall be prepared annually by the ELIXIR Director, taking into account the Financial Plan and its activities as defined in Article 7.2 of this Agreement.
ELIXIR Director	An individual appointed by the ELIXIR Board to act as the executive body of ELIXIR. He/she shall represent ELIXIR externally and execute the decisions of the ELIXIR Board as further detailed in Article 6.3 of this Agreement.
ELIXIR Headquarters	The location of the ELIXIR Hub which shall be at the EMBL's outstation, the European Bioinformatics Institute on the Wellcome Trust Genome Campus in Hinxton, Cambridge, UK.
ELIXIR Hub	ELIXIR is based on a "Hub and Nodes"-model. The ELIXIR Hub shall be the central organization coordinating ELIXIR, acting through and under the supervision of the ELIXIR Board and the leadership of the ELIXIR Director. It shall provide administrative and technical services for ELIXIR as set out in Article 3.3. Legally it shall form part of the EMBL and therefore use EMBL's legal personality.
ELIXIR Member	A Signatory of this Agreement.
ELIXIR Member State	Any Member State that is a signatory to this Agreement.
ELIXIR Node	A national or international research institute that enters into a Collaboration Agreement with the EMBL to provide services with a European dimension and that have an added value for ELIXIR.
ELIXIR Staff	Staff employed by the EMBL pursuant to the EMBL Staff Rules and Regulations and funded through the ELIXIR budget.
EMBL	The European Molecular Biology Laboratory.
EMBL-EBI	The European Bioinformatics Institute, an outstation of the EMBL.
EMBL Staff Rules and Regulations	EMBL's internal labour law established by its Member States and amended by the EMBL Council from time to time, which deals with the legal relationship between the EMBL and each person working for it.
EMBL Financial Rules and Regulations	Those rules and regulations that cover financial accounting, management and internal control as prescribed in Article VI 3(e) of the Agreement establishing the EMBL and supplemented by approved policies and procedures.
Financial Plan	A five year estimate of the value and timing of financial resources required to realize the Programme.
Financial Year	Has the meaning set out in Article 7.3.1.
Heads of Nodes Committee	Has the meaning set out in Article 6.5.1.
Observer	A State, legal entity or individual that attends the ELIXIR Board meetings as an observer without voting rights and normally for a limited period of time.
Programme	Five year scientific programme adopted by the ELIXIR Board to fulfil the purpose and goals of ELIXIR.
Qualified majority	This means a two-thirds majority of all ELIXIR Members provided that: (i) the contributions to the ELIXIR Budget of the ELIXIR Members present and voting constitute not less than two-thirds of the total contributions to the ELIXIR Budget; or (ii) affirmative votes are cast by all but one of the ELIXIR Members present and voting.
Research Infrastructure	The term research infrastructure refers to central or distributed research facilities, databases or large-scale computing, analysis and modelling resources.
Research Institute	Publicly or privately funded national or international research performing entity.
Rules of Procedure	The rules governing the organization and operation in the widest sense of the ELIXIR Board, adopted by it in accordance with Article 6.2.4.v of this Agreement.
Scientific Advisory Board	A body composed of independent scientists that oversee the quality of the ELIXIR activities as supervised by the ELIXIR Board and ELIXIR Director, and carried out by the ELIXIR Nodes and the ELIXIR Hub. This involves advising the ELIXIR Board and the ELIXIR Director where necessary.

Simple majority	A vote carrying more than fifty per cent (50%) of the votes cast.
Unanimous voting	The voting by consensus of all delegates present and voting.
Work Programme	Services carried out by the EMBL as outlined under Article 5.4.3 of this Agreement.
1.2 Interpretations	
1.2.1	Words denoting the singular shall include the plural and vice versa. Words denoting one gender shall include another gender.
1.2.2	The words “include”, “included” or “including” shall mean that the matters are listed without limitation.

2. Description of the Organisational structure

2.1 Legal basis

This Agreement is the legal basis for ELIXIR. It establishes an organizational structure and defines the relationship between the ELIXIR Hub and the ELIXIR Nodes. For the avoidance of doubt, this Agreement does not establish a legal entity. The ELIXIR Hub shall be hosted by EMBL as mandated by the ELIXIR Consortium. This agreement specifies the EMBL's role as a host for ELIXIR as defined under Article 2.3 and Article 5.4.1 and sets out the ELIXIR Members' rights and obligations.

2.2 Role of the ELIXIR Board

The ELIXIR Board is composed of representatives of all ELIXIR Members. It is the ultimate decision-making body that takes all strategic decisions and that supervises activities carried out by the ELIXIR Hub and its relations with the ELIXIR Nodes on behalf of the ELIXIR Members.

2.3 The EMBL's role within ELIXIR

As defined in Article 5.4.1 ELIXIR is hosted by and, as such, forms part of the EMBL which agrees to provide ELIXIR-specific services through the ELIXIR Hub to support the creation and operation of ELIXIR that are defined in this Agreement or will be defined by the ELIXIR Board. ELIXIR benefits from the EMBL's existing legal personality and its privileges and immunities as an intergovernmental institution. Tasks carried out by the EMBL for ELIXIR are subject to EMBL internal rules and regulations and policies, as applicable, including for the avoidance of doubt the EMBL Staff Rules and Regulations as well as the EMBL Financial Rules and Regulations. Staff working for the ELIXIR Hub (including the ELIXIR Director) located at the ELIXIR Headquarters shall be employed by the EMBL on the basis of the EMBL Staff Rules and Regulations. EMBL provides technical services to ELIXIR (Commissioned Services and international bioinformatics services if funding is available) as approved by the ELIXIR Board.

2.4 Distributed Infrastructure

ELIXIR has a distributed structure in which the ELIXIR Hub is connected through Collaboration Agreements to a distributed set of ELIXIR Nodes.

2.5 The ELIXIR Hub

The ELIXIR Hub is located at the ELIXIR Headquarters. The ELIXIR Hub is the central coordinating organization which provides administrative coordination services and technical support under the supervision of the ELIXIR Board and the leadership of the ELIXIR Director.

2.6 Integration of the ELIXIR Nodes into the ELIXIR infrastructure

The ELIXIR Nodes operate as integral parts of existing research institutes in ELIXIR Member States. In order to be accepted as an ELIXIR Node, a Research Institute has to successfully pass a selection process. ELIXIR Nodes shall provide technical and administrative support which shall be financed either by the ELIXIR Budget as Commissioned Services or by other funding sources. As provided in Article 8.5, ELIXIR Nodes shall enter into Collaboration Agreements with the ELIXIR Hub.

3. Objectives and Tasks of ELIXIR, the ELIXIR Hub, the EMBL and the ELIXIR Nodes

3.1 Objectives of ELIXIR

3.1.1. The Purpose of ELIXIR

ELIXIR is a distributed research infrastructure with the purpose to coordinate, curate, store, archive, integrate and disseminate the life-science data produced by life science researchers in Europe and elsewhere, within an appropriate secure framework, which provides open access to the data, whilst safeguarding data ownership.

3.1.2. Provision of life-science data resources

In a coordinated manner between the ELIXIR Members, ELIXIR implements measures to carry out those tasks as listed in Article 3.2. New biological data resources, identified as desirable by the scientific community, shall be further developed within ELIXIR, with the appropriate funding being raised as required.

3.1.3. The mission of the ELIXIR Hub

The ELIXIR Hub carries out scientific, technical and administrative tasks. ELIXIR's ultimate decision making body is the ELIXIR Board, which decides scientific, technical and administrative matters. The ELIXIR Board is assisted by the ELIXIR Director, the Scientific Advisory Board and the Heads of Nodes Committee. ELIXIR Nodes, located in the ELIXIR Member States, contribute to the tasks of ELIXIR.

3.2 Tasks of ELIXIR

ELIXIR shall:

- a. provide data resources;
- b. provide services, training and assistance to establish a fully integrated and sustainable network of resources and tools that will facilitate data dissemination and international collaboration;
- c. promote standards;
- d. provide appropriate computer infrastructure for processing, archiving and analysing the data;
- e. provide infrastructure for tools;
- f. support applications for funding of ELIXIR related activities; and
- g. provide other services as decided by the ELIXIR Board.

3.3 Tasks of the ELIXIR Hub

Without prejudice to the tasks listed under Article 3.2, the ELIXIR Hub shall:

- a. manage and administer ELIXIR activities;
- b. coordinate services (e.g. data delivery, technical and user training activities or others if required);
- c. provide services and support to the ELIXIR Nodes and the user community;
- d. establish links with other life science infrastructures;
- e. support applications for funding of the ELIXIR activities; and
- f. coordinate applications for pan-European funding to support ELIXIR.

3.4 Tasks of the ELIXIR Nodes and EMBL

Without prejudice to the tasks as listed under Article 3.2, EMBL and the ELIXIR Nodes shall provide services to the ELIXIR Hub as defined under Article 5.4.1, Article 5.4.2 and Article 8.5.2.

4. Membership and Observers

4.1 Membership

4.1.1 Eligibility

The following entities are eligible to become members in ELIXIR:

- a. Member states of the Council of Europe.
- b. Other states may be declared eligible by decision of the ELIXIR Board.
- c. Intergovernmental organisations with legal personality established under international or EU law (including, for the avoidance of doubt, European Research Infrastructure Consortia – “ERIC”).
- d. The EMBL.

4.1.2 Application

An application to the Chair of the ELIXIR Board shall include a commitment to the mission of ELIXIR as stated in this Agreement as well as recognition of the obligations linked to membership as outlined in Article 5.

4.2 Observers

4.2.1 Observer status

Observer status may be granted to

- a. States that are willing to contribute to ELIXIR, but are not yet in a position to join as Member States; and
- b. Entities that were invited by the ELIXIR Board to attend the ELIXIR Board meetings as observers on a regular basis.

4.2.2 Term of Observer status

Observer status can be granted upon request to the Chair of the ELIXIR Board for a period of up to two years, however, this period must terminate at the end of a Financial Year. It can be renewed by the ELIXIR Board for successive terms of two years subject to the conditions in Article 5.2. The ELIXIR Board establishes the terms of admission of Observers.

4.3 Withdrawal of an ELIXIR Member or Observer

4.3.1 Withdrawal of an ELIXIR Member State

An ELIXIR Member State may withdraw from ELIXIR at the end of a Financial Year by providing one year's written notice sent to the Chair of the ELIXIR Board. The ELIXIR Board shall formally record the withdrawal.

4.3.2 Legal consequences of withdrawal of an ELIXIR Member State

An ELIXIR Member that withdraws from ELIXIR is not entitled to claim any compensation or goodwill value whatsoever and shall continue to contribute to the ELIXIR Budget until its withdrawal is effective. Any outstanding contributions will be paid and obligations fulfilled before withdrawal of membership is confirmed.

4.3.3 Withdrawal of the EMBL

The EMBL may withdraw with effect at the end of a Financial Year provided that it gives at least 24 months' notice of its intention to withdraw from this Agreement.

4.3.4 Withdrawal of an Observer

Observers may withdraw at any time during the first two years after their acceptance as Observers. After renewal the Observer may withdraw at the end of a Financial Year by providing one year's written notice sent to the Chair of the ELIXIR Board.

4.4 Expulsion of a Defaulting ELIXIR Member or Observer

4.4.1 Termination of membership or observership

Without prejudice to the ELIXIR Board's power to suspend the delegate's rights of a Defaulting Member State according to Article 6.2.7, the ELIXIR Board shall also have the power to terminate the membership of a Defaulting Member or the observer status of an Observer if the following conditions are met:

- a. The ELIXIR Member or Observer is in serious breach of one or more of its obligations under this Agreement or causes, or threatens to cause, a serious disruption to the operations of ELIXIR; and
- b. The ELIXIR Member or Observer was provided with the opportunity to present its defence to the ELIXIR Board and any such defence was heard by the ELIXIR Board; and
- c. The ELIXIR Member or Observer has failed to rectify such breach within such time as stipulated by the ELIXIR Board (except, for the avoidance of doubt, where such breach concerns a payment default referred to in Article 6.2.7).

4.4.2 Legal consequences of expulsion

An ELIXIR Member or Observer that is expelled from ELIXIR shall not be entitled to claim any compensation or goodwill value, nor reimbursement of any contribution made in respect of the Financial Year during which it is expelled, nor shall be entitled to waive any outstanding contribution owed to the ELIXIR budget, in whole or in part. Any outstanding contributions shall be paid and obligations fulfilled promptly upon confirmation of the expulsion of an ELIXIR Member or Observer.

5. Obligations of ELIXIR Members and Observers

5.1 Financial contributions of the ELIXIR Member States

5.1.1 Financial Contributions

Each ELIXIR Member State shall contribute annually to the ELIXIR Budget in accordance with the Financial Plan as described under Art. 7.1.1. The ELIXIR Member States are jointly responsible for ensuring that the ELIXIR Hub activities are sufficiently funded to maintain positive cash balance.

5.1.2 Calculation of contributions

Financial contributions shall be calculated once at the beginning of the Financial Plan on the average Net National Income at factor cost (NNI) of each ELIXIR Member for the three preceding calendar years for which statistics are available. Annex 1 includes the scale of financial contributions for expected Member States.

5.1.3 Date of payment

The ELIXIR Director shall notify ELIXIR Member States of the amounts of their annual contributions and, in agreement with the ELIXIR Board, of the dates on which payments shall be made and how such payments shall be made.

5.1.4 Accession of new Member

If, after this Agreement has entered into force, a country becomes a Member, the financial contributions of the other ELIXIR Members referred to in Article 5.1.2 remain unchanged. Contributions by the new Member shall be treated as additional contribution until the end of the current Financial Plan.

5.1.5 Special circumstances

The ELIXIR Board may decide to take into account any special circumstances of an ELIXIR Member State and adjust its contribution accordingly for a limited and defined period.

5.1.6 Delayed or early payments

If an ELIXIR Member State fails to make any payment due to ELIXIR under this Agreement, within four weeks of the payment date as determined under Art 5.1.3, the ELIXIR Board shall have the right to charge interest on the overdue amount. In case of early payments the respective ELIXIR Member State will be paid interest. The interest rate shall be proposed by the ELIXIR Director on an annual basis, together with the proposed ELIXIR Budget, which covers costs incurred through late payment. Interest on any delayed payments shall be charged without prejudice to the provisions of this Agreement regarding the payment of contributions.

5.2 Financial contributions by Observers

Observer status of States according to Article 4.2.1.a shall be renewed at the end of each two year period provided that the renewing State pays a contribution equal to 30% of the financial contribution, which such State would have to pay if it were an ELIXIR Member. The renewed observership shall start on the first day of the next Financial Year.

5.3 Obligations of Intergovernmental Organisations other than the EMBL

The ELIXIR Board shall specify the obligations of any Intergovernmental Organisations other than the EMBL prior to their approval as a member.

5.4 Services carried out by the EMBL within the framework of ELIXIR

5.4.1 The EMBL's Core Responsibilities

Subject to the provision and actual receipt of sufficient funding from the ELIXIR Budget and of an adequate Financial Plan, the EMBL shall be responsible for the following services which are deemed essential for the operation and management of the ELIXIR Hub and the accomplishment of ELIXIR's goals (the »Core Responsibilities«):

- a. Employing ELIXIR staff.
- b. Making facilities and infrastructure available to the ELIXIR Hub.

- c. Entering into agreements with third parties for the purpose of achieving ELIXIR's goals.
- d. Acting as a Party in legal disputes with third parties arising out of actions performed or omissions committed in the framework of ELIXIR.

5.4.2 Commissioning of additional technical and administrative services from the EMBL

In the event that the ELIXIR Board requires technical or administrative services in addition to the Core Responsibilities contained in Article 5.4.1, and subject to the provision and actual receipt of sufficient funding from the ELIXIR Budget, it shall commission such additional services from the EMBL as "Commissioned Services".

5.4.3 Work Programmes

The EMBL shall describe the Core Responsibilities as well as the Commissioned Services and additional services in Work Programmes, which shall run over the same five year term as the Financial Plan and the Programme and which shall be submitted to the ELIXIR Board for approval together with the Financial Plan and the Programme. The Core Responsibilities and the Commissioned Services shall be funded through the ELIXIR Budget. The Work Programmes may also include additional services which EMBL may agree to provide and which are not funded by the ELIXIR Budget.

5.4.4 Evaluation of Work Programmes

Work Programmes shall be regularly evaluated by the Scientific Advisory Board as determined by the ELIXIR Board.

6. Governance

6.1 Governance structure

The organisational structure of ELIXIR shall comprise the following bodies:

- The ELIXIR Board
- The ELIXIR Directorate
- The Scientific Advisory Board
- Heads of Nodes Committee
- Other Committees established by the ELIXIR Board.

6.2 The ELIXIR Board

6.2.1 Role and Purpose of the ELIXIR Board

a. The ELIXIR Board shall be the ultimate decision-making body of ELIXIR, which enables the representatives of the ELIXIR Members to make collective decisions on all matters related to ELIXIR, which shall then be put into effect by the ELIXIR Director.

b. The ELIXIR Board determines ELIXIR's policy in scientific, technical and administrative matters, in particular by providing guidelines to the ELIXIR Director on his or her duties and monitoring them. It both implements and monitors ELIXIR's establishment and operation, and decides on necessary resources and components which are appropriate for inclusion in ELIXIR, with advice from the Scientific Advisory Board.

6.2.2 Composition

a. The ELIXIR Board is composed of representatives of all ELIXIR Members that act as delegates. Each ELIXIR Member shall have not more than three delegates, which may be accompanied by advisers the latter not having voting rights.

b. Members of the Heads of Nodes Committee shall not be nominated as Delegate.

c. The ELIXIR Board shall elect a Chair and two vice-chairs.

d. The ELIXIR Board shall establish its own Rules of Procedure.

6.2.3 Observers within the ELIXIR Board

Observers may attend ELIXIR Board meetings under the conditions set forth in Article 4.2.1. For the avoidance of doubt, Observers do not have any voting rights.

6.2.4 Powers of the ELIXIR Board

The ELIXIR Board shall have the exclusive power to issue the following decisions. Each decision must be voted on at a Board meeting that is quorate in accordance with Article 6.2.6 below. No decision shall be taken unless there is a two-thirds majority of all ELIXIR Members present and voting, unless otherwise stipulated in this Agreement:

Members and observers

a. Consider and approve the entry of an interested entity as a member in ELIXIR and determine any conditions of its accession by unanimous vote of the ELIXIR Members;

b. Consider and approve obligations of Intergovernmental Organisations other than the EMBL by unanimous vote of the ELIXIR Members;

c. Decide on the expulsion of a Defaulting ELIXIR Member according to Article 4.4.1;

d. Decide on the suspension of rights of a Defaulting ELIXIR Member State as a Board member in case of delayed contributions;

e. Approve any applications to become an Observer;

Funding of ELIXIR

f. Approve the Financial Plan by unanimous vote of the ELIXIR Members;

g. Approve the ELIXIR Budget annually by Qualified Majority of the ELIXIR Members;

h. Decide on modifications of the financial contributions of all ELIXIR Member States by Qualified Majority under the circumstances as set out in Article 5.1.5 and following adjustment according to Article 6.2.4 i.;

- i. Decide on the adjustment of the financial contributions of an ELIXIR Member State in the event that special circumstances are brought to the attention of the ELIXIR Board as set out in Article 5.1.5 by unanimous vote, and the affected country must abstain from voting;
- j. Decide whether to recommend to the EMBL Council the acceptance of gifts or special contributions if required so by the EMBL's Financial Rules and Regulations and as described under Article 7.6.2;
- k. Approve the annual financial report on the use of the ELIXIR Budget ;
- l. Approve the auditor's reports in relation to ELIXIR;

Scientific strategy

- m. Approve and modify the Programme for ELIXIR by unanimous vote of the ELIXIR Members;

Cooperation with ELIXIR Nodes, the EMBL and other co-operations

- n. Decide whether to accept the application of a Research Institute to become an ELIXIR Node;
- o. Agree to enter into a proposed Collaboration Agreement with an ELIXIR Node;
- p. Agree to a Work Programme proposed by the EMBL to the ELIXIR Board;
 - Regarding Core Responsibilities as described under Article 5.4.1 by unanimous vote of the ELIXIR Members;
 - Regarding Commissioned Services as described under Article 5.4.2 and additional services as described under Article 5.4.3 by two-thirds majority.
- q. Decide whether to not renew an existing Collaboration Agreement with an ELIXIR Node;
- r. Decide whether to terminate a Collaboration Agreement with an ELIXIR Node during the term of the Collaboration Agreement;
 - s. Decide on modifications to a Work Programme
 - Regarding the Core Responsibilities as described under Article 5.4.1 by unanimous vote of the ELIXIR Members;
 - Regarding the Commissioned Services as described under Article 5.4.2 and additional services as described under Article 5.4.3 by two-thirds majority;
 - t. Decide whether to terminate Commissioned Services or other services from the EMBL as described under Article 5.4.2 and Article 5.4.3;
 - u. Establish co-operation with non-Member States, national bodies in those states, international governmental or non-governmental organizations (such as national research institutes) and definition on the conditions and terms of such co-operation by unanimous vote of the ELIXIR Members;

Rules and Regulations

- v. Establish the Rules of Procedure;
- w. Without prejudice to the overall framework of the EMBL Council's decisions, the EMBL Financial Rules and Regulations, Staff Rules and Regulations and Internal Policies, the ELIXIR Board may adopt and revise such rules, regulations and policies as may be required for the operations of ELIXIR, provided they are consistent with the aforementioned EMBL rules, regulations and policies;

Advisory bodies and committees

- x. Establish advisory bodies, committees and working groups and such further subsidiary or advisory bodies as it sees necessary for ELIXIR's proper functioning and the achievement of ELIXIR's goals. Subordinate bodies shall adopt their own rules of procedure;
- y. Appoint members of the Scientific Advisory Board;

ELIXIR Director

- z. Appoint and dismiss the ELIXIR Director;

Miscellaneous

- aa. Approve reports;

General Clause

- bb. Decide upon any matters pertaining to ELIXIR or its operations submitted to it by the ELIXIR Director or by any ELIXIR Member and that are not subject to different majority requirements according to Article 6.2.4 by a Simple Majority.

6.2.5 Meetings

- a. The ELIXIR Board shall meet at least once a year. The Board may meet in extraordinary sessions. Both the ordinary and extraordinary meetings shall be held at the ELIXIR Headquarters, unless otherwise decided by the ELIXIR Board.
- b. The meetings of the ELIXIR Board shall be convened by the chair of the ELIXIR Board at least once a year and at any time upon written request of at least 50% of the ELIXIR Members, according to the formalities set out in the Rules of Procedure.

6.2.6 Voting Rules and Quorum

- a. Each ELIXIR Member that is represented by its delegates or by a proxy holder at the meeting shall have one vote.
- b. For the avoidance of doubt, the chair of the ELIXIR Board does not have a casting vote.
- c. Board meetings shall be quorate if two-thirds or more of the ELIXIR Members are present or represented.
- d. Abstentions shall not be taken into account into the calculations of the majorities.
- e. The resolutions passed at the meetings of the ELIXIR Board in accordance with this Agreement shall be binding on all ELIXIR Members, including those absent or dissenting.

6.2.7 Suspension of rights of ELIXIR Members States as a Board Member

- If an ELIXIR Member State owes outstanding contributions which equal or exceed the amount of the contributions due from that Member State for the previous two preceding years, the ELIXIR Board may decide to suspend the rights of a Default-

ing Member, in particular those linked to its representation in the ELIXIR Board. Such Defaulting Member shall be deemed to be in serious breach of its obligations under this Agreement for the purposes of Article 4.4.1.

6.3 ELIXIR Directorate

6.3.1 Role of the ELIXIR Director

The ELIXIR Director is responsible for implementing the decisions of the ELIXIR Board. Furthermore, the ELIXIR Director is responsible to the Director General of EMBL for the observance of the EMBL Rules and Regulations.

6.3.2 Major tasks of the ELIXIR Director

The ELIXIR Director shall:

- a. In accordance with the EMBL's internal rules and regulations and policies and the decisions of the ELIXIR Board, manage and administer ELIXIR and the ELIXIR Hub staff.
- b. Prepare the Programme for which it will seek the advice of the Heads of Nodes Committee, supervise and execute the Programme and oversee the Financial Plan.
- c. Present an annual scientific report to the ELIXIR Board.
- d. Present an annual financial report to the ELIXIR Board on the use of the ELIXIR Budget.
- e. Propose each year no later than 1 October an ELIXIR Budget showing detailed estimates of the projected income and expenditure of ELIXIR for the following financial year.
- f. Attend the meetings of the ELIXIR Board in a non-voting capacity.
- g. Inform the ELIXIR Board about all relevant matters related to ELIXIR that would either require a decision or acknowledgement.
- h. Appoint and dismiss ELIXIR Staff in accordance with the EMBL Staff Rules and Regulations.
- i. Negotiate and prepare Collaboration Agreements with Nodes (under Article 8.5) and a Work Programme with the EMBL (under Article 5.4.2).

6.3.3 ELIXIR staff working at the ELIXIR Hub

- a. Staff working for the ELIXIR Hub shall be responsible for providing administrative and technical support to the ELIXIR Hub and in particular to the ELIXIR Director and the Scientific Advisory Board.
- b. The ELIXIR Director as well as ELIXIR Staff shall be employed by EMBL in accordance with the EMBL Staff Rules and Regulations.
- c. ELIXIR Staff shall be accountable to the ELIXIR Director for the execution of all technical and administrative services undertaken to implement the decisions of the ELIXIR Board.

6.3.4 Appointment of the ELIXIR Director

- a. The ELIXIR Director is appointed by the ELIXIR Board and shall perform all tasks assigned to it as detailed in this Agreement.
- b. If a vacancy should arise the ELIXIR Board appoints an interim ELIXIR Director pending a recruitment process.

6.3.5 Dismissal and resignation of the ELIXIR Director

- a. The decision to dismiss the ELIXIR Director is to be taken by the ELIXIR Board.
- b. In case of resignation of the ELIXIR Director, EMBL shall inform the ELIXIR Board at once by notifying the Chair of the ELIXIR Board in writing.

6.4 The Scientific Advisory Board

6.4.1 Role and purpose

The Scientific Advisory Board shall provide advice to the ELIXIR Board and ELIXIR Director in relation to ELIXIR activities from a scientific perspective.

6.4.2 Composition

- a. The Scientific Advisory Board shall be composed of highly qualified, internationally recognized scientists selected on the basis of their competence in all aspects of ELIXIR. The Scientific Advisory Board should strive for a gender balanced composition.
- b. The Scientific Advisory Board members shall be appointed in their own right and not as representatives of the ELIXIR Members.

6.4.3 Selection and appointment of Scientific Advisory Board members

- a. The ELIXIR Director, after consultation with the ELIXIR Members, shall propose to the ELIXIR Board a list of candidates which the ELIXIR Board shall take into account during the selection process.
- b. The members of the Scientific Advisory Board shall be appointed by the ELIXIR Board for a period of three years.
- c. The Scientific Advisory Board shall establish Rules of Procedure.

6.5 Heads of Nodes Committee

6.5.1 Role and purpose

The Heads of Nodes Committee shall be composed of representatives of the ELIXIR Nodes and EMBL-EBI. The Heads of Nodes Committee shall give advice to the ELIXIR Board and Director in relation to ELIXIR activities. The ELIXIR Director shall consult the Heads of Nodes Committee to establish the Programme which he/she will submit to the ELIXIR Board.

6.5.2 Members of the Heads of Nodes Committee

- a. Every ELIXIR Node that entered a Collaboration Agreement with the ELIXIR Hub shall appoint one representative, which shall act as the head of the ELIXIR Node and shall have a seat on the Heads of Nodes Committee.

b. EMBL-EBI shall appoint one representative, which shall act as the head of the EMBL-EBI's participation in ELIXIR and shall have a seat on the Heads of Nodes Committee.

c. The Heads of Nodes Committee shall establish its own rules of procedure.

6.6 Other Committees established by the ELIXIR Board as necessary

The ELIXIR Board and the ELIXIR Director may establish other committees as and when appropriate. The ELIXIR Board shall define the terms of reference and membership of such committees.

7. Finance

7.1 Financial planning and budget

7.1.1 Financial Plan

Every five years the ELIXIR Director shall submit a proposal for the Financial Plan to the ELIXIR Board for consideration and approval. This sets out the basis for each ELIXIR Member State's contributions in this five year period and the maximum agreed budget for ELIXIR for that same period. The Financial Plan shall be based on the agreed Programme.

7.1.2 Annual contributions

No Member State shall be required to pay more or less than their normal annual contribution agreed in the Financial Plan. Article 5.1.5, Article 7.5 Sentence 2 and Article 9 remain unaffected.

7.1.3 ELIXIR Budget

The ELIXIR Director shall also, by no later than 1 October of each year, submit to the ELIXIR Board for consideration and approval an ELIXIR Budget setting out detailed estimates of projected income and expenditure for ELIXIR activity of the ELIXIR Hub for the following financial year.

7.1.4 Foreign currency movements

The ELIXIR Director shall, at the time of budget submission for the following year, also provide to the ELIXIR Board an estimate of the impacts of foreign currency movements on the current year's ELIXIR Budget. The ELIXIR Board shall consider how these foreign currency movements have impacted the ELIXIR Director's ability to deliver the Programme and what, if any, financial remedy should be applied.

7.2 Funding of the ELIXIR Hub

The ELIXIR Hub shall be financed by

- Financial contributions of Member States
- Financial contributions of Observers according to Article 5.3
- Gifts
- Special contributions other than gifts, as set out in this Agreement
- Grants.

Funding is subject to approval of the ELIXIR Board.

7.3 Accounts

7.3.1 Financial Year

The Financial Year of ELIXIR shall run from 1 January to 31 December.

7.3.2 Accounts

The EMBL shall maintain separate ELIXIR accounts in accordance with EMBL's financial regulations, policies, processes and rules. The EMBL shall ensure that all income and expenditure in respect of ELIXIR activities is separately identifiable within its accounts. The EMBL shall report on the income and expenditure of ELIXIR through an annual ELIXIR Income Statement, which shall form part of the EMBL Annual Accounts (Annex 2).

7.4 Audit

The incomes and expenditures of ELIXIR shall be subject to an annual external audit, which shall form a part of the EMBL annual audit. The EMBL's external auditors shall provide the ELIXIR Board with a separate audit report on ELIXIR income and expenditure at ELIXIR's own cost.

7.5 Overhead costs

The EMBL shall be entitled to charge ELIXIR for overhead costs related to its services in accordance with the EMBL's financial regulations, policies, processes and rules. The EMBL charges ELIXIR any costs incurred by the EMBL as a result of ELIXIR having a negative cashflow.

7.6 Core principles of financial management of ELIXIR

7.6.1 Administration of ELIXIR Budget

The EMBL shall, in accordance with the decisions made by the ELIXIR Board, administer the ELIXIR Budget of the ELIXIR Hub. The ELIXIR Budget will be managed in accordance with the Agreement establishing the EMBL and the EMBL Financial Rules and Regulations.

7.6.2 Gifts

Any gift, the value of which exceeds €250.000, and all special contributions require approval of the ELIXIR Board and approval of the EMBL Council such approval to be provided in accordance with the EMBL Financial Rules and Regulations. Gifts should be consistent with the purposes of ELIXIR and the EMBL.

8. ELIXIR Nodes

8.1 Application process for ELIXIR Nodes

The application process shall comprise the following steps:

- Proposal by ELIXIR Member
- Evaluation of Node application
- Negotiation phase
- Legal integration of the ELIXIR Nodes into ELIXIR through Collaboration Agreements
- Regular evaluation.

8.2. Right of Proposal

Node Applicants shall be proposed by ELIXIR Members. The ELIXIR Board invites ELIXIR Members to hand in proposals according to procedures decided by the ELIXIR Board.

8.3 Formal eligibility criteria

ELIXIR Members shall only propose Node Applicants that fulfil the following cumulative criteria:

- a. be or be part of a legal entity with legal personality under its domestic law;
- b. be located in an ELIXIR Member State and
- c. be able to demonstrate its financial sustainability in view of the activities it proposes to carry out for ELIXIR.

8.4 Procedure for evaluating Node applications

Proposals are evaluated by the Scientific Advisory Board, according to procedures decided by the ELIXIR Board.

8.5 Collaboration Agreements

8.5.1 Status as ELIXIR Node

Upon its acceptance, the successful Node Applicant shall conclude a Collaboration Agreement with the EMBL, acting on behalf of the ELIXIR Hub. By signing the Collaboration Agreement the Node Applicant shall become an ELIXIR Node. The details of the Collaboration Agreement shall be determined by the ELIXIR Director, who shall take into account observations of the ELIXIR Node Applicant, and shall be subject to final approval by the ELIXIR Board.

8.5.2 Provision of technical services

Collaboration Agreements shall define the provision of technical services (Commissioned Services and additional services) through the ELIXIR Nodes and set out the mechanisms for their provision.

8.6 Commissioning of technical services by ELIXIR Nodes

In the framework of the Commissioned Services, the ELIXIR Board may decide to sub-commission certain technical services from the ELIXIR Nodes. Such Commissioned Services performed by the ELIXIR Nodes shall be funded through the ELIXIR Budget and the terms and conditions under which they are provided shall be detailed in a Collaboration Agreement.

8.7 Procedure for evaluation of ELIXIR Nodes

ELIXIR Nodes shall be regularly evaluated by the Scientific Advisory Board as determined by the ELIXIR Board. Upon recommendation of the Scientific Advisory Board the ELIXIR Board shall decide whether it wishes to renew or terminate (in whole or in part) the Collaboration Agreement with the ELIXIR Node.

8.8 Termination of Collaboration Agreement

8.8.1 Termination by ELIXIR Node

The ELIXIR Node may terminate the Collaboration Agreement by giving at least twelve (12) months' notice in writing to the ELIXIR Director.

8.8.2 Termination by ELIXIR Board

The ELIXIR Board may terminate the Collaboration Agreement in case of a serious breach of the Collaboration Agreement by the Node by giving at least three months notice in writing to the Head of the ELIXIR Node. The Collaboration Agreement shall terminate immediately in the event that an ELIXIR Node loses at least one of the formal eligibility criteria as listed under Article 8.3.

8.8.3 Expiry and renewal conditions of Collaboration Agreement

The ELIXIR Board may decide to renew the Collaboration Agreement unless the following cumulative conditions apply:

- a. Receipt of an evaluation of the Scientific Advisory Board that contains specific reasons which merit a decision not to renew the Collaboration Agreement;
- b. Decision by the ELIXIR Board to terminate the Collaboration Agreement; and
- c. Six months notice in writing before the regular end of the Collaboration Agreement to the ELIXIR node.

If the formal eligibility criterion as described under 8.3.b. ceases to apply, the ELIXIR Board may make the decision to renew or terminate the Collaboration Agreement without any involvement of the Scientific Advisory Board.

The decision not to renew the Collaboration Agreement has to be notified in writing to the ELIXIR Node six (6) months prior to the expiry of such Collaboration Agreement.

9. Liability

9.1 The EMBL as aggrieved party

Each ELIXIR Member State shall be liable to the EMBL for any direct, indirect or consequential loss or similar damage related to or resulting from the operation or management of the ELIXIR Hub or from Commissioned Services by the EMBL according to Article 5.4, provided that such loss or damage was not caused by the EMBL's willful act or gross negligence.

9.2 Claims by third party

Each ELIXIR Member State agrees to indemnify and hold the EMBL harmless from and against any and all such direct, indirect or consequential loss or similar damage to a third party as a result of the operation or management of the ELIXIR Hub or from Commissioned Services from the EMBL according to Article 5.4, provided that such damage was not caused by the EMBL's willful act or gross negligence.

9.3 Distribution of losses among ELIXIR Member States

Liability shall be incurred from the date that the loss of damage arose until such time as the loss or damage is remedied. The financial consequences of the liability borne by each ELIXIR Member State shall be calculated pro rata based on each Member State's ordinary contributions in the year that the loss/damage was incurred. Should the loss or damage cover multiple years a separate calculation shall be made for each year, but only for those Member States at the time of the original loss or damage.

9.4 Insurance coverage for ELIXIR

The EMBL represents and warrants that it has taken out insurance as required by the Host Site Agreement between the EMBL and the Government of the United Kingdom.

10. Intellectual Property

The activities of ELIXIR Hub are limited to the provision of technical services and administration. As ELIXIR is an infrastructure framework and does not conduct research itself, it is not expected that Intellectual Property will be developed directly from its activities or operation, rather it is expected to promote the creation of Intellectual Property by researchers using ELIXIR infrastructure. The ELIXIR Members therefore agree that all data and technical services enabling access and support of the data shall be provided on an open access and/or open source basis and shall be put into the public domain under the applicable licenses. However, in the event that an invention would result from the activities or the operation of ELIXIR that may be protected and commercialized, the ELIXIR Members agree that such an invention shall be reported to the ELIXIR Board. The invention shall be the property of the entity carrying out the work generating that invention. The ELIXIR Members shall then by mutual agreement decide on a case-by-case basis on the best course of action.

11. Ethics policy

The ELIXIR Board shall establish an ethics policy that is in line with relevant laws and regulations and that considers best practices. It shall put in place measures to ensure that activities required as part of the ELIXIR Hub's mission shall be in line with this ethics policy. The ELIXIR Board shall implement mechanisms to ensure that ELIXIR Nodes as well as all other collaboration partners in the context of ELIXIR are made aware of their obligation to ensure compliance of all relevant laws and regulations (and, where applicable, local ethical guidelines) when handling, storing, or processing personally identifiable data resulting from biomedical research.

12. Effectiveness, Entry into force and Accession of new ELIXIR Members

12.1 Signature, effectiveness and entry into force

This Agreement shall be open for signature by eligible entities according to Article 4.1.1. It shall enter into force thirty days after the date on which five countries and the EMBL have expressed their consent to be bound by the Agreement.

For any eligible entity that expresses its consent to be bound by the Agreement subsequent to the entry into force of the Agreement, the Agreement shall enter into force for that entity thirty days following the date of its consent.

12.2 Accession of a new ELIXIR Member

A new ELIXIR Member enters into this Agreement as of the date of its signature of this Agreement.

12.3 Duration

Without prejudice to Articles 4.3, 4.4 and 12.1, this Agreement shall be in full force and effect until 31 December 2017 and tacitly renewed.

13. Termination and consequences

13.1 Termination

This Agreement may be terminated by consensus of all ELIXIR Members. It shall be terminated automatically and with immediate effect if there are less than three ELIXIR Member States remaining and/or if the EMBL has withdrawn in accordance with Article 4.3.3.

13.2 Liquidation

In the event that this Agreement is terminated, the EMBL shall be entrusted with the liquidation of the assets and property allocated to ELIXIR, excluding property and assets put at the disposal of ELIXIR by the EMBL and which were not acquired for the

purposes of ELIXIR (the ownership of such assets shall return to the EMBL). The proceeds of such liquidation shall first be used to meet any outstanding liabilities incurred by ELIXIR. Any remaining assets and monies shall be apportioned among the remaining ELIXIR Members in proportion to their overall financial contribution at the time of dissolution. Any remaining liabilities or deficit shall be apportioned between the remaining ELIXIR Members.

14. Language

This Agreement is drawn up in English. The English language shall govern all documents, notices, meetings, proceedings and processes relative thereto and shall be the working language for ELIXIR.

15. Inconsistencies and severability

Should any provision of this Agreement become invalid, illegal or unenforceable, it shall not affect the validity of the remaining provisions of this Agreement. In such a case the ELIXIR Members shall be entitled to request that a valid and practicable provision be negotiated which best fulfils the purpose of the original provision.

16. Notices

Any notice to be provided under this Agreement shall be in writing to the addresses and recipients as listed in the most recent address list kept by the ELIXIR Director based on the initial list of ELIXIR Members and other contact persons.

17. Amendments

This Agreement may be amended in writing and by mutual consent of all ELIXIR Members.

18. Assignment

No rights or obligations of the ELIXIR Members arising from this Agreement shall be assigned or transferred, in whole or in part, to any third party without the other ELIXIR Member's prior formal approval, which shall not be unreasonably withheld, delayed or conditioned.

19. Applicable law

This Agreement shall be applied in accordance with and governed by

- (a) international law; and subsidiary
- (b) the law of England and Wales in the case of matters not, or only partly, regulated by acts referred to in (a) above.

20. Settlements of Disputes

Any dispute, controversy or claim arising out of or in relation to this Agreement, or the existence, interpretation, application, breach, termination, or invalidity thereof, which is not settled through the good offices of the Chair or Vice-Chair of the ELIXIR Board, shall be settled on the basis of the PCA Arbitration Rules 2012. The number of arbitrators shall be three. The language to be used in the arbitral proceedings shall be English.

The appointing authority shall be the Secretary-General of the Permanent Court of Arbitration. Each Party shall bear its own costs of arbitration. The arbitral tribunal may apportion its costs between the Parties if it determines that apportionment is reasonable, taking into account the circumstances of the case.

In witness whereof the undersigned, being duly authorised thereto by their respective Governments or Entities, have signed this Agreement in a single original which shall be deposited in the archives of the EMBL which shall transmit certified copies to all Signatories.

Annex 1 : Scale of contribution of expected Member States based on NNI for the years 2014 – 2018 (effective April 2013)

Transaction	B5_NS1: Net national income at market prices			D21_D31: Taxes less subsidies on products			Net national income at factor cost in US\$ Millions			Average	Scale of Contribution
	2009	2010	2011	2009	2010	2011	2009	2010	2011		
Country											2014-2018
Czech Republic	146,802	146,313	160,432	19,344	19,404	21,414	127,458	126,909	139,019	131,129	1.41%
Denmark	259,772	267,398	286,440	43,556	43,457	46,835	216,217	223,942	239,606	226,588	2.43%
Estonia	15,471	14,944	17,762	2,588	2,438	2,852	12,884	12,505	14,910	13,433	0.14%
Finland	202,611	201,915	222,825	31,150	30,679	36,234	171,461	171,236	186,591	176,429	1.89%
France	2,302,833	2,259,041	2,439,688	256,374	259,281	288,575	2,046,459	1,999,759	2,151,113	2,065,777	22.18%
Greece	267,884	238,755	227,496	34,980	35,666	35,302	232,904	203,088	192,194	209,396	2.25%
Israel	165,494	186,880	209,667	21,743	25,610	28,415	143,752	161,270	181,252	162,091	1.74%
Italy	1,741,476	1,693,768	1,797,117	209,936	213,925	230,274	1,531,540	1,479,843	1,566,842	1,526,075	16.39%
Netherlands	654,880	649,107	720,721	86,662	82,861	87,020	568,218	566,246	633,701	589,388	6.33%
Norway	325,305	365,750	425,466	41,550	46,929	52,649	283,755	318,821	372,816	325,131	3.49%
Portugal	183,192	180,771	185,767	27,523	28,386	30,078	155,669	152,385	155,688	154,581	1.66%
Slovenia	40,298	38,685	41,403	6,297	6,121	6,495	34,001	32,564	34,908	33,824	0.36%
Spain	1,202,111	1,148,031	1,205,480	103,775	120,671	121,003	1,098,335	1,027,360	1,084,477	1,070,057	11.49%
Sweden	356,385	411,526	482,905	51,655	58,759	65,800	304,729	352,768	417,105	358,201	3.85%
Switzerland	426,221	484,196	559,363	27,530	30,016	35,859	398,691	454,180	523,503	458,791	4.93%
United Kingdom	1,961,565	2,031,953	2,179,541	213,194	243,529	283,450	1,748,372	1,788,423	1,896,091	1,810,962	19.45%
Total	10,252,302	10,319,033	11,162,072	1,177,855	1,247,734	1,372,255	9,074,446	9,071,299	9,789,817	9,311,854	100%

data extracted on 02 May 2013 07:18 UTC (GMT) from OECD.Stat

Annex 2: Template for income and expenditures for a Financial Year

<u>Income</u>	ELIXIR Budget	Current Year	Prior Year
Member State Contributions			
Gifts and donations			
Other income			
Total Income			
<u>Expenditures</u>			
Technological activities			
Technical project expenditure			
Directorate and administrative activities			
Staff related costs			
Running costs			
Equipment and depreciation			
Overheads			
Other expenditure			
Total Expenditure			
Surplus/(Deficit) for the Year			

KONZORCIJSKI SPORAZUM ELIXIR
O USTANOVITVI
EVROPSKE INFRASTRUKTURE ZA VEDE O ŽIVLJENJU IN BIOLOŠKE INFORMACIJE (ELIXIR)

Preambula

Člani Elixirja soglašajo z ustanovitvijo *Evropske infrastrukture za vede o življenju in biološke informacije* – **Elixir**, raziskovalne infrastrukture, organizirane z osrednjim vozliščem in razpršenimi vozlišči, ki bo v najširšem pomenu besede skrbela za delovanje in upravljanje povezane zbirke virov bioloških podatkov, orodja in literature. Elixir je raziskovalna infrastruktura svetovnega pomena, odprta znanstvenikom vseh strok. Njen namen je biti vključujoča raziskovalna infrastruktura, ki spodbuja pristop novih članov.

Člani Elixirja, ki

- se zavedajo, da je povpraševanje po virih podatkov med raziskovalci v vedah o življenju vedno večje;
- se zavedajo sedanje poplave podatkov in dejstva, da Elixir ponuja možnost učinkovitega upravljanja evropskih podatkov iz ved o življenju z nadgradljivimi rešitvami;
- se zavedajo, da lahko osrednje vozlišče Elixirja in vozlišča Elixirja pomembno usklajujejo dejavnosti na posameznih področjih;
- se zavedajo, da bodo vozlišča Elixirja organizirana v državah članicah;
- se zavedajo, da bodo vozlišča Elixirja ustanove, ki so izbrane na podlagi meril odličnosti in jih odobri svet Elixirja;
- se zavedajo, da vozlišča Elixirja prek osrednjega vozlišča Elixirja prejemajo vso potrebno podporo poslanstvu te infrastrukture;
- priznavajo, da je usklajeno mednarodno delovanje Elixirja nujno za nadgradnjo in vzdrževanje obstoječih virov podatkov ter ustanavljanje novih, če se za to pokaže potreba;
- priznavajo pomen podpiranja različnih bioinformacijskih znanstvenih skupnosti na državni ravni ter zlasti obstoječih in prihodnjih vozlišč Elixirja, če je ta podpora v najboljšem interesu članov Elixirja in v skladu s poslanstvom te infrastrukture;
- priznavajo, da je pomembno zagotoviti vozliščem Elixirja sredstva za zagotavljanje storitev, za katere se zaprosi po članih Elixirja;
- upoštevajo državne naložbe za vzpostavitev Elixirja in priznavajo, da je cilj osrednjega vozlišča zagotoviti ustrezno in primerno podporo za največjo usklajenost in vključenost posameznega vozlišča v Elixir, da se doseže kar največji znanstveni učinek;
- se strinjajo, da bodo podatki in znanje Elixirja prosto dostopni, čeprav bo dostop po potrebi nadzorovan;
- se strinjajo, da se izzivi Elixirja najbolje rešujejo z združenjem dejavnosti na evropski in državni ravni;
- se strinjajo, da upravljanje Elixirja nujno temelji na merilih znanstvene in storitvene odličnosti, in
- priznavajo potrebo po obsežnem izobraževanju glede virov podatkov in bioinformacijskih infrastruktur,

so se sporazumeli:

1 Pomen izrazov in razlaga

1.1 Pomen izrazov

V tem sporazumu izrazi, navedeni v nadaljevanju, pomenijo:

sporazum	ta konzorcijski sporazum Elixir z vsemi prilogami;
prosilec za vozlišče	raziskovalni inštitut, ki zaprosi, da postane vozlišče Elixirja;
sporazum o sodelovanju	sporazum, sklenjen za določen čas med EMBL v imenu sveta Elixirja in prosilcem, ki mu je podeljen status vozlišča Elixirja;
naročene storitve	tehnične in administrativne storitve, za katere je pristojno osrednje vozlišče Elixirja in ki se financirajo iz proračuna Elixirja; opravlja jih lahko eno od vozlišč Elixirja v skladu s sporazumom o sodelovanju ali EMBL v skladu s programom dela;
temeljne pristojnosti	kot je opredeljeno v 5.4.1;
član ali država članica Elixirja, ki ne izpolnjuje obveznosti	član ali država članica Elixirja, za katero svet Elixirja ugotovi, da krši ta sporazum, kot je navedeno v 4.4.1 in 6.2.7;
Elixir	kot je opredeljeno v preambuli in 3.1;
svet Elixirja	glavni organ odločanja, ki ga sestavljajo predstavniki članov Elixirja;
proračun Elixirja	zajema vse načrtovane prihodke in odhodke, vsako leto ga pripravi direktor Elixirja ob upoštevanju finančnega načrta in dejavnosti, kot je opredeljeno v 7.2 tega sporazuma;

direktor Elixirja	oseba, ki jo imenuje svet Elixirja in deluje kot izvršni organ Elixirja. Predstavlja Elixir navzven in izvaja sklepe sveta Elixirja v skladu s 6.3 tega sporazuma;
sedež Elixirja	sedež osrednjega vozlišča Elixirja je na Evropskem inštitutu za bioinformatiko, zunanji enoti EMBL, v Wellcome Trust Genome Campus v Hinxtonu, Cambridge, Združeno kraljestvo;
osrednje vozlišče Elixirja	Elixir deluje po modelu "osrednjega vozlišča in vozlišč". Osrednje vozlišče Elixirja je osrednja usklajevalna organizacija Elixirja, ki deluje prek sveta Elixirja in pod njegovim nadzorom, vodi pa jo direktor Elixirja. Zagotavlja administrativne in tehnične storitve za Elixir, opredeljene v 3.3. Pravnoorganizacijsko je del EMBL in je zato del pravne osebe EMBL;
član Elixirja	podpisnik tega sporazuma;
država članica Elixirja	vsaka država članica, ki je podpisnica tega sporazuma;
vozlišče Elixirja	državni ali mednarodni raziskovalni inštitut, ki z EMBL sklene sporazum o sodelovanju za zagotavljanje storitev z evropsko razsežnostjo, ki imajo dodano vrednost za Elixir;
osebje Elixirja	osebje, zaposleno pri EMBL v skladu s kadrovskimi pravili in predpisi EMBL ter financirano iz proračuna Elixirja;
EMBL	Evropski laboratorij za molekularno biologijo;
EMBL – EBI	Evropski inštitut za bioinformatiko, zunanja enota EMBL.
kadrovska pravila in predpisi EMBL	notranja delovnopravna pravila EMBL, ki so jih sprejele države članice EMBL in jih občasno spreminja svet EMBL ter urejajo pravna razmerja med EMBL in osebami, ki zanj delajo;
finančna pravila in predpisi EMBL	pravila in predpisi o finančnem poslovanju, upravljanju in notranjem nadzoru iz VI 3(e) sporazuma o ustanovitvi EMBL, dopolnjeni s sprejetimi politikami in postopki;
finančni načrt	petletna ocena vrednosti in časovne razporeditve finančnih virov, nujnih za izvedbo programa;
finančno leto	kot je opredeljeno v 7.3.1;
odbor vodij vozlišč	kot je opredeljeno v 6.5.1;
opazovalec	država, pravna oseba ali posameznik, ki se udeležuje sej sveta Elixirja kot opazovalec brez glasovalne pravice in običajno za omejen čas;
program	petletni znanstveni program, ki ga sprejme svet Elixirja za izpolnjevanje namena in ciljev Elixirja;
kvalificirana večina	dvotretjinska večina vseh članov Elixirja pod pogojem: (i) da prispevki v proračun Elixirja tistih članov, ki so prisotni in glasujejo, pomenijo najmanj dve tretjini vseh prispevkov v ta proračun, (ii) da pritrdilno glasujejo vsi pri glasovanju prisotni člani Elixirja razen enega;
raziskovalna infrastruktura	izraz raziskovalna infrastruktura se nanaša na osrednje ali razpršene raziskovalne zmogljivosti, zbirke podatkov ali vire za obsežno računalniško obdelavo, analiziranje in modeliranje;
raziskovalni inštitut	javno ali zasebno financiran državni ali mednarodni raziskovalni subjekt;
poslovník	pravila, ki v najširšem smislu urejajo organizacijo in poslovanje sveta Elixirja ter jih svet Elixirja sprejme v skladu s 6.2.4 tega sporazuma;
znanstveni svetovadni odbor	organ, ki je sestavljen iz neodvisnih znanstvenikov, ki nadzorujejo kakovost dejavnosti Elixirja, izvedenih v vozliščih in osrednjem vozlišču Elixirja pod nadzorom sveta in direktorja Elixirja. Po potrebi svetujejo svetu in direktorju;
navadna večina	več kot petdeset odstotkov (50 %) oddanih glasov;
soglasje	glasovanje s soglasjem vseh prisotnih in glasujočih delegatov;
delovni program	storitve iz 5.4.3 tega sporazuma, ki jih opravlja EMBL.

1.2 Razlaga

- 1.2.1 Besede v edninski obliki vključujejo množinsko obliko in obratno. Besede v enem spolu vključujejo tudi drugi spol.
1.2.2 Besede "vključuje", "vključen" ali "vključno" pomenijo, da seznam zadev ni omejen.

2 Organizacijska sestava

2.1 Pravna podlaga

Ta sporazum je pravna podlaga za Elixir. Opredeljuje organizacijsko sestavo ter določa razmerje med osrednjim vozliščem in vozlišči Elixirja. Da ne bi bilo dvoma, ta sporazum ne ustanavlja pravne osebe. Osrednje vozlišče Elixirja gostuje pri EMBL z mandatom konzorcija Elixirja. Ta sporazum določa vlogo EMBL kot gostitelja Elixirja, kot je opredeljena v 2.3 in 5.4.1., ter pravice in obveznosti članov Elixirja.

2.2 Vloga sveta Elixirja

Svet Elixirja sestavljajo predstavniki vseh članov Elixirja. Je najvišji organ odločanja, ki sprejema vse strateške odločitve ter v imenu članov Elixirja nadzoruje dejavnosti osrednjega vozlišča Elixirja in njegove odnose z vozlišči.

2.3 Vloga EMBL v Elixirju

V skladu z opredelitvijo iz Elixir gostuje na EMBL in je kot tak del EMBL, ki se strinja, da prek osrednjega vozlišča Elixirja zagotavlja namenske storitve v podporo ustanovitvi in delovanju Elixirja, ki so opredeljene v tem sporazumu ali jih bo opredelil svet Elixirja. Elixir uporablja pravno osebo EMBL ter privilegije in imuniteto EMBL kot medvladne institucije. Za naloge, ki jih opravlja EMBL za Elixir, veljajo notranja pravila in predpisi EMBL, ter če je to primerno, politike EMBL, vključno, da ne bo dvoma, kadrovska pravila in predpisi ter finančna pravila in predpisi EMBL. Osebe, ki dela za osrednje vozlišče Elixirja (vključno z direktorjem Elixirja) na sedežu Elixirja, je zaposleno pri EMBL na podlagi kadrovskih pravil in predpisov EMBL. EMBL zagotavlja Elixirju tehnične storitve (naročene storitve in mednarodne bioinformacijske storitve, če so na razpolago sredstva), ki jih odobri svet Elixirja.

2.4 Razpršena infrastruktura

Elixir ima razpršeno sestavo, v kateri je osrednje vozlišče Elixirja s sporazumi o sodelovanju povezano z njegovimi razpršenimi vozlišči.

2.5 Osrednje vozlišče Elixirja

Osrednje vozlišče Elixirja je na sedežu Elixirja. Osrednje vozlišče Elixirja je osrednja usklajevalna organizacija, ki pod nadzorom sveta Elixirja in vodstvom direktorja Elixirja zagotavlja administrativne storitve usklajevanja in tehnično podporo.

2.6 Vključitev vozlišč Elixirja v infrastrukturo Elixirja

Vozlišča Elixirja delujejo kot neločljivi del obstoječih raziskovalnih inštitutov v državah članicah Elixirja. Raziskovalni inštitut lahko postane vozlišče Elixirja, ko uspešno opravi izbirni postopek. Vozlišča Elixirja zagotavljajo tehnično in administrativno podporo, ki se financira iz proračuna Elixirja kot naročena storitev ali iz drugih virov. V skladu s 8.5 vozlišča Elixirja z osrednjim vozliščem Elixirja sklenejo sporazum o sodelovanju.

3 Cilji in naloge Elixirja, osrednjega vozlišča Elixirja, EMBL in vozlišč Elixirja

3.1 Cilji Elixirja

3.1.1 Namen Elixirja

Elixir je razpršena raziskovalna infrastruktura, katere namen je usklajevanje, vzdrževanje, skladiščenje, arhiviranje, povezovanje in razširjanje podatkov iz ved o življenju, ki jih ustvarjajo raziskovalci teh ved v Evropi in drugje, v ustreznem varnem okviru, ki omogoča prost dostop do podatkov, pri tem pa varuje njihovo lastništvo.

3.1.2 Zagotavljanje virov podatkov za področje ved o življenju

Elixir sprejema ukrepe za opravljanje nalog iz 3.2 na podlagi usklajevanja med člani Elixirja. V Elixirju se bodo novi biološki viri podatkov, ki so v znanstveni skupnosti zelo iskani, dodatno razvijali, ustrezna finančna sredstva pa se bodo zbirala po potrebi.

3.1.3 Poslanstvo osrednjega vozlišča Elixirja

Osrednje vozlišče Elixirja opravlja znanstvene, tehnične in administrativne naloge. Najvišji organ odločanja Elixirja je svet Elixirja, ki odloča o znanstvenih, tehničnih in administrativnih zadevah. V pomoč svetu so direktor Elixirja, znanstveni svetovadni odbor in odbor vodij vozlišč. Vozlišča v državah članicah sodelujejo pri nalogah Elixirja.

3.2 Naloge Elixirja

Elixir:

- a. zagotavlja vire podatkov,
- b. zagotavlja storitve, izobraževanje in pomoč pri vzpostavljanju in celoti povezane in trajnostne mreže virov in orodja, ki bo olajšala razširjanje podatkov in mednarodno sodelovanje,
- c. uveljavlja standarde,
- d. zagotavlja ustrezno računalniško infrastrukturo za obdelavo, arhiviranje in analiziranje podatkov,
- e. zagotavlja infrastrukturo za orodje,
- f. podpira prijave za financiranje dejavnosti, povezanih z Elixirjem, in
- g. zagotavlja druge storitve v skladu s sklepi sveta Elixirja.

3.3 Naloge osrednjega vozlišča Elixirja

Brez poseganja v naloge iz 3.2 osrednje vozlišče Elixirja:

- a. upravlja in administrativno vodi dejavnosti Elixirja,
- b. usklajuje storitve (npr. pošiljanje podatkov, tehnične dejavnosti, usposabljanje ali druge dejavnosti po potrebi),
- c. zagotavlja storitve in podporo vozliščem Elixirja in uporabniški skupnosti,
- d. navezuje stike z drugimi infrastrukturami ved o življenju,
- e. podpira prijave za financiranje dejavnosti Elixirja in
- f. usklajuje prijave za vseevropsko financiranje v podporo Elixirju.

3.4 Naloge vozlišč Elixirja in EMBL

Brez poseganja v naloge iz 3.2 EMBL in vozlišča Elixirja zagotavljajo osrednjemu vozlišču Elixirja storitve, opredeljene v 5.4.1, 5.4.2 in 8.5.2.

4 Članstvo in opazovalci

4.1 Članstvo

4.1.1 Izpolnjevanje pogojev

Pogoje za članstvo v Elixirju izpolnjujejo ti subjekti:

- a. države članice Sveta Evrope,
- b. druge države, za katere lahko svet Elixirja odloči, da izpolnjujejo pogoje,
- c. mednarodne organizacije, ki so pravne osebe, ustanovljene po mednarodnem pravu ali pravu EU (vključno, da ne bo dvoma, s konzorciji evropske raziskovalne infrastrukture – ERIC),
- d. EMBL.

4.1.2 Prošnja

Prošnja, naslovljena na predsednika sveta Elixirja, mora vključevati izjavo o zavezanosti poslanstvu Elixirja iz tega sporazuma in o priznavanju obveznosti, povezanih s članstvom, iz 5.

4.2 Opazovalci

4.2.1 Status opazovalca

Status opazovalca se lahko podeli:

- a. državam, ki so pripravljene sodelovati v Elixirju, vendar še ne izpolnjujejo pogojev za članstvo v tej infrastrukturi, in
- b. subjektom, ki jih svet Elixirja povabi, da kot opazovalci redno prisostvujejo njegovim sejам.

4.2.2 Trajanje statusa opazovalca

Po prejemu prošnje, naslovljene na predsednika, lahko svet Elixirja podeli status opazovalca za največ dve leti, vsekakor pa se to obdobje konča ob izteku finančnega leta. Status lahko svet Elixirja obnovi za nadaljnje dveletno obdobje pod pogoji iz 5.2. Svet Elixirja določi pogoje za sprejem opazovalcev.

4.3 Izstop člana ali opazovalca Elixirja

4.3.1 Izstop države članice Elixirja

Država članica lahko izstopi iz Elixirja ob koncu finančnega leta z enoletnim odpovednim rokom in pisnim obvestilom predsedniku sveta Elixirja. Svet Elixirja se z izstopom formalno seznanja.

4.3.2 Pravne posledice izstopa države članice Elixirja

Država članica, ki izstopi iz Elixirja, nima pravice do nikakršne odškodnine ali uporabe dobrega imena in mora plačevati prispevek v proračun Elixirja, dokler izstop ne začne veljati. Preden je ta potrjen, morajo biti plačani vsi zapadli prispevki in izpolnjene vse obveznosti.

4.3.3 Izstop EMBL

EMBL lahko izstopi ob koncu finančnega leta, tako da o nameravanem odstopu od tega sporazuma pošlje obvestilo vsaj 24 mesecev vnaprej.

4.3.4 Izstop opazovalca

Opazovalci lahko izstopijo kadar koli v prvih dveh letih po tem, ko so bili sprejeti kot opazovalci. Po obnovitvi statusa lahko izstopijo ob koncu finančnega leta z enoletnim odpovednim rokom in pisnim obvestilom predsedniku sveta Elixirja.

4.4 Izključitev člana ali opazovalca Elixirja, ki ne izpolnjuje obveznosti

4.4.1 Prenehanje članstva ali statusa opazovalca

Brez poseganja v pristojnost sveta Elixirja, da v skladu s 6.2.7 začasno odvzame pravice države članice, ki ne izpolnjuje obveznosti, ima svet Elixirja tudi pristojnost, da odloči o prenehanju članstva člana, ki ne izpolnjuje obveznosti, ali prenehanju statusa opazovalca, če so izpolnjeni ti pogoji:

- a. član ali opazovalec Elixirja resno krši eno ali več obveznosti po tem sporazumu ali povzroči hude motnje pri delovanju Elixirja ali grozi, da jih bo povzročil, in
- b. članu ali opazovalcu Elixirja je bilo omogočeno, da v svojo obrambo predstavi stališča svetu Elixirja, ki se je z njimi seznanil, in
- c. član ali opazovalec Elixirja ni odpravil kršitve v času, ki ga določi svet Elixirja (razen, da ne bo dvoma, če se kršitev nanaša na neplačilo prispevkov iz 6.2.7).

4.4.2 Pravne posledice izključitve

Član ali opazovalec Elixirja, ki je izključen iz Elixirja, nima pravice do nikakršne odškodnine, uporabe dobrega imena, povračila prispevka za finančno leto, v katerem je bil izključen, ali delnega ali celotnega odpisa zapadlih prispevkov, ki jih še dolguje proračunu Elixirja. Nemudoma po potrditvi izključitve mora plačati vse zapadle prispevke in izpolniti vse obveznosti.

5 Obveznosti članov in opazovalcev Elixirja

5.1 Finančni prispevek držav članic Elixirja

5.1.1 Finančni prispevek

Vsaka država članica Elixirja letno prispeva v proračun Elixirja v skladu s finančnim načrtom iz 7.1.1. Države članice Elixirja so za dejavnost osrednjega vozlišča Elixirja skupno odgovorne, da zagotovijo zadostna sredstva za ohranitev pozitivne gotovinske bilance.

5.1.2 Izračun prispevkov

Prispevki se za vsakega člana Elixirja izračunajo enkrat na začetku finančnega načrta na podlagi povprečnega neto nacionalnega dohodka v faktorskih stroških (NND) za predhodna tri koledarska leta, za katera so na voljo statistični podatki. V prilogi 1 je lestvica finančnih prispevkov za predvidene države članice.

5.1.3 Datum plačila

Direktor Elixirja obvesti države članice o znesku njihovega finančnega prispevka in v dogovoru s svetom Elixirja o datumu in načinu plačila teh prispevkov.

5.1.4 Pristop novega člana

Če država postane članica tega sporazuma po začetku njegove veljavnosti, ostanejo finančni prispevki drugih članov Elixirja, določeni v 5.1.2, nespremenjeni. Do konca tekočega finančnega načrta se prispevek novega člana obravnava kot dodatni prispevek.

5.1.5 Posebne okoliščine

Svet Elixirja lahko upošteva vse posebne okoliščine države članice ter za omejeno in določeno obdobje ustrezno prilagodi njen prispevek.

5.1.6 Zamude plačil ali predčasna plačila

Če država članica ne plača katerega zneska po tem sporazumu v štirih tednih po dnevu zapadlosti iz 5.1.3, lahko svet Elixirja na zapadli znesek zaračuna zamudne obresti. Za predčasna plačila pa se državi članici izplačajo obresti. Višino obresti predlaga direktor Elixirja na letni ravni skupaj s predlogom proračuna Elixirja, iz katerega se krijejo stroški zaradi zamud pri plačilih. Zamudne obresti se zaračunajo brez poseganja v določbe tega sporazuma o plačilu prispevkov.

5.2 Finančni prispevki opazovalcev

Status opazovalcev po 4.2.1 se obnavlja ob koncu vsakega dveletnega obdobja pod pogojem, da država, ki želi obnoviti ta status, plača prispevek v višini 30 % finančnega prispevka, ki bi ga morala plačati, če bi bila članica Elixirja. Obnovljeni status opazovalca začne veljati na prvi dan naslednjega finančnega leta.

5.3 Obveznosti medvladnih organizacij razen EMBL

Svet Elixirja določi obveznosti medvladnih organizacij razen EMBL, preden jih potrdi za člane.

5.4 Storitve, ki jih EMBL izvaja v Elixirju

5.4.1 Temeljne pristojnosti EMBL

Pod pogojem, da so v proračunu Elixirja predvidena in iz njega dejansko nakazana zadostna sredstva ter da je sprejet ustrezen finančni načrt, je EMBL pristojen za te storitve, ki veljajo za bistvene pri delovanju in upravljanju osrednjega vozlišča Elixirja ter doseganju ciljev Elixirja ("temeljne pristojnosti"):

- a. zaposlovanje osebja Elixirja,
- b. zagotavljanje zmogljivosti in infrastrukture za osrednje vozlišče Elixirja,
- c. sklepanje sporazumov s tretjimi strankami za doseganje ciljev Elixirja,
- d. nastopanje kot stranka v sporih s tretjimi strankami, ki nastanejo zaradi storitev ali opustitev v okviru Elixirja.

5.4.2 Naročanje dodatnih tehničnih ali administrativnih storitev pri EMBL

Če svet Elixirja potrebuje tehnične ali administrativne storitve, ki presegajo temeljne pristojnosti po 5.4.1, in če so v proračunu Elixirja predvidena in iz njega dejansko nakazana zadostna sredstva, naroči te dodatne storitve pri EMBL kot "naročene storitve".

5.4.3 Delovni programi

EMBL navede temeljne pristojnosti in naročene storitve v delovnih programih, ki zajemajo isto petletno obdobje kakor finančni načrt in program ter se predložijo svetu Elixirja v sprejetje skupaj s finančnim načrtom in programom. Temeljne pristojnosti in naročene storitve se financirajo iz proračuna Elixirja. Delovni programi lahko zajemajo tudi dodatne storitve, za katere se lahko EMBL dogovori in ki niso financirane iz proračuna Elixirja.

5.4.4 Ocenjevanje delovnih programov

Delovne programe redno ocenjuje znanstveni svetovadni odbor, kot to določi svet Elixirja.

6 Upravljanje

6.1 Upravljavska sestava

Organizacijska sestava Elixirja zajema te organe:

- svet Elixirja,
- direktorat Elixirja,
- znanstveni svetovadni odbor,
- odbor vodij vozlišč,
- druge odbore, ki jih ustanovi svet Elixirja.

6.2 Svet Elixirja

6.2.1 Vloga in namen sveta Elixirja

a. Svet Elixirja je najvišji organ odločanja, ki omogoča predstavnikom članov Elixirja, da sprejemajo skupne odločitve o vseh zadevah v zvezi z Elixirjem, ki jih nato uresničuje direktor Elixirja.

b. Svet Elixirja odloča o politiki ter znanstvenih, tehničnih in administrativnih zadevah zlasti tako, da daje direktorju Elixirja smernice glede njegovih dolžnosti in spremlja njihovo izvajanje. Ustanovi Elixir in spremlja njegovo delovanje ter ob pomoči znanstvenega svetovalnega odbora odloča o potrebnih virih in elementih, ki so primerni za vključitev v Elixir.

6.2.2 Sestava

a. Svet Elixirja sestavljajo predstavniki vseh članov Elixirja, ki delujejo kot delegati. Vsak član ima največ tri delegate, ki jih lahko spremljajo svetovalci brez glasovalne pravice.

b. Člani odbora vodij vozlišč ne morejo biti imenovani za delegate.

c. Svet Elixirja imenuje predsednika in dva podpredsednika.

d. Svet Elixirja sprejme svoj poslovnik.

6.2.3 Opazovalci v svetu Elixirja

Opazovalci se lahko udeležujejo sej sveta Elixirja pod pogoji iz 4.2.1. Da ne bo dvoma, opazovalci nimajo glasovalne pravice.

6.2.4 Pristojnosti sveta Elixirja

Svet Elixirja je izključno pristojen za sprejemanje v nadaljevanju navedenih odločitev. O njih se glasuje na seji sveta, ki je sklepčen v skladu s 6.2.6 tega sporazuma. Če ta sporazum ne določa drugače, odločitev ni sprejeta, če pri glasovanju ni prisotna in ne glasuje dvotretjinska večina vseh članov Elixirja.

Člani in opazovalci

a. S soglasjem članov Elixirja obravnava zainteresirani subjekt in potrdi njegov sprejem v Elixirjevo članstvo ter določi pogoje za njegov pristop.

b. S soglasjem vseh članov Elixirja obravnava in potrdi obveznosti medvladnih organizacij razen EMBL.

c. V skladu s 4.4.1 sklepa o izključitvi člana Elixirja, ki ne izpolnjuje obveznosti.

d. Sklepa o začasnem odvzemu pravic državi članici Elixirja, ki ne izpolnjuje obveznosti, kot članici sveta, če zamuja s plačilom prispevkov.

e. Odobrava prošnje za pridobitev statusa opazovalca.

Financiranje Elixirja

f. S soglasjem članov Elixirja potrjuje finančni načrt.

g. S kvalificirano večino članov Elixirja letno potrjuje proračun Elixirja.

h. V okoliščinah iz 5.1.5 in v skladu s prilagoditvami iz 6.2.4 i s kvalificirano večino odloča o spremembah finančnih prispevkov vseh držav članic Elixirja.

i. Če je svet Elixirja obveščen o posebnih okoliščinah po 5.1.5, s soglasjem odloča o prilagoditvah finančnih prispevkov posamezne države članice, pri tem pa se mora ta država vzdržati glasovanja.

j. V skladu s finančnimi pravili in predpisi EMBL ter 7.6.2 odloča, ali naj svetu EMBL priporoči sprejem daril ali posebnih prispevkov.

k. Potrjuje letno finančno poročilo o izvrševanju proračuna Elixirja.

l. Potrjuje revizijsko poročilo o Elixirju.

Znanstvena strategija

m. S soglasjem vseh članov Elixirja potrjuje in spreminja program Elixirja.

Sodelovanje z vozlišči Elixirja, EMBL in drugo sodelovanje

n. Odloča o sprejetju prošnje raziskovalnega inštituta, da postane vozlišče Elixirja.

o. Soglaša s sklenitvijo predlaganega sporazuma o sodelovanju z vozliščem Elixirja.

p. Soglaša z delovnim programom, ki ga EMBL predlaga svetu Elixirja:

– s soglasjem članov Elixirja glede temeljnih pristojnosti po 5.4.1;

– z dvotretjinsko večino glede naročenih storitev po 5.4.2 in dodatnih storitev po 5.4.3.

q. Odloča o obnovitvi obstoječega sporazuma o sodelovanju z vozliščem Elixirja.

r. Odloča o odpovedi sporazuma o sodelovanju z vozliščem Elixirja pred potekom njegove veljavnosti.

s. Odloča o spremembah delovnega programa:

– s soglasjem članov Elixirja o temeljnih pristojnostih, navedenih v 5.4.1;

– z dvotretjinsko večino glede naročenih storitev po 5.4.2 in dodatnih storitev po 5.4.3.

t. Odloča o prenehanju opravljanja naročenih storitev ali drugih storitev EMBL po 5.4.2 in 5.4.3.

u. S soglasjem članov Elixirja vzpostavlja sodelovanje z državami nečlanicami, državnimi organi v teh državah, mednarodnimi vladnimi in nevladnimi organizacijami (kot npr. državni raziskovalni inštituti) ter določa pogoje za tako sodelovanje.

Pravila in predpisi

v. Sprejme svoj poslovnik.

w. Brez poseganja v celoten okvir odločitev sveta EMBL, finančna pravila in predpise, kadrovska pravila in predpise ter notranje politike EMBL lahko svet Elixirja sprejema in revidira pravila, predpise in politike, ki so potrebni za delovanje Elixirja, pod pogojem, da so usklajeni z navedenimi pravili, predpisi in politikami EMBL.

Svetovalna telesa in odbori

x. Ustanavlja svetovalna telesa, odbore in delovne skupine ter pomožne ali svetovalne organe, ki so po njegovem mnenju nujni za ustrezno delovanje Elixirja in doseganje njegovih ciljev. Pomožna telesa sprejmejo svoje poslovnike.

y. Imenuje člane znanstvenega svetovalnega odbora.

Direktor Elixirja

z. Imenuje in razrešuje direktorja Elixirja.

Razno

aa. Potrjuje poročila.

Splošna klavzula

bb. Z navadno večino odloča o vseh zadevah v zvezi z Elixirjem ali njegovim delovanjem, ki mu jih predloži direktor Elixirja ali kateri koli član Elixirja in za katere po 6.2.4 ni zahtevana drugačna večina.

6.2.5 Seje

a. Svet Elixirja se sestane najmanj enkrat letno. Svet se lahko sestaja na izrednih sejah. Če svet Elixirja ne odloči drugače, redne in izredne seje potekajo na sedežu Elixirja.

b. Predsednik sveta Elixirja skliče sejo sveta vsaj enkrat letno ali kadar koli na pisno zahtevo vsaj 50 % članov Elixirja v skladu s poslovnikom.

6.2.6 Glasovalna pravila in sklepčnost

a. Vsak član Elixirja, ki ga na seji zastopajo njegovi delegati ali pooblaščenec, ima en glas.

b. Da ne bo dvoma, predsedujoči sveta Elixirja nima odločilnega glasu.

c. Seje sveta so sklepčne, če sta prisotni ali zastopani dve tretjini ali več članov Elixirja.

d. Vzdržani glasovi se ne upoštevajo pri izračunu večine.

e. Sklepi, sprejeti na sejah sveta Elixirja v skladu s tem sporazumom, so zavezujoče za vse člane Elixirja, tudi tiste, ki niso bili prisotni ali se niso strinjali.

6.2.7 Začasni odvzem pravic državi članici Elixirja kot članici sveta

Državi članici Elixirja, ki dolguje plačilo prispevkov v znesku, ki je enak znesku njenih prispevkov za predhodni leti ali presega ta znesek, lahko svet Elixirja začasno odvzame pravice, zlasti tiste, ki so povezane z njenim članstvom v svetu Elixirja. Za tako državo članico se šteje, da resno krši obveznosti po tem sporazumu za namene 4.4.1.

6.3 Direktorat Elixirja**6.3.1 Vloga direktorja Elixirja**

Direktor Elixirja je odgovoren za izvajanje odločitev sveta Elixirja. Poleg tega je odgovoren generalnemu direktorju EMBL glede upoštevanja pravil in predpisov EMBL.

6.3.2 Glavne naloge direktorja Elixirja

Direktor Elixirja:

a. V skladu z internimi pravili, predpisi in politikami EMBL ter odločitvami sveta Elixirja upravlja in administrativno vodi Elixir in osebje osrednjega vozlišča Elixirja.

b. Po posvetovanju z odborom vodij vozlišč pripravi program, ga nadzoruje in izvaja ter nadzoruje finančni načrt.

c. Odboru Elixir predstavi letno znanstveno poročilo.

d. Odboru Elixir predstavi letno finančno poročilo o izvrševanju proračuna Elixirja.

e. Vsako leto najpozneje do 1. oktobra predlaga proračun Elixirja z natančnimi ocenami predvidenih prihodkov in odhodkov Elixirja za naslednje finančno leto.

f. Udeležuje se sej sveta Elixirja brez glasovalne pravice.

g. Obvešča svet Elixirja o vseh pomembnih zadevah v zvezi z Elixirjem, o katerih je treba odločiti ali s katerimi se je treba seznaniti.

h. Zaposluje in odpušča osebje Elixirja v skladu s kadrovske pravili in predpisi EMBL.

i. Dogovarja se o sporazumih o sodelovanju z vozlišči (v skladu s 8.5) in o delovnem programu z EMBL (v skladu s 5.4.2) ter jih pripravlja.

6.3.3 Osebje Elixirja v osrednjem vozlišču Elixirja

a. Osebje, ki dela za osrednje vozlišče Elixirja, je odgovorno za zagotavljanje administrativne in tehnične podpore osrednjemu vozlišču ter zlasti direktorju Elixirja in znanstvenemu svetovalnemu odboru.

b. Direktor in osebje Elixirja sta zaposlena pri EMBL v skladu s kadrovske pravili in predpisi EMBL.

c. Osebje Elixirja je odgovorno direktorju za izvajanje vseh tehničnih in administrativnih storitev, potrebnih za uresničevanje odločitev sveta Elixirja.

6.3.4 Imenovanje direktorja Elixirja

a. Direktorja Elixirja imenuje svet Elixirja, opravljati pa mora vse naloge, ki so mu dodeljene v skladu s tem sporazumom.

b. Če se mesto sprosti, svet Elixirja za čas izbirnega postopka imenuje vršilca dolžnosti direktorja.

6.3.5 Odstavitev in odpoved direktorja Elixirja

- a. Sklep o odstavitvi direktorja Elixirja sprejme svet Elixirja.
- b. Če direktor Elixirja odstopi, EMBL o tem nemudoma obvesti svet Elixirja s pisnim sporočilom predsedniku sveta Elixirja.

6.4 Znanstveni svetovalni odbor**6.4.1 Vloga in namen**

Znanstveni svetovalni odbor z znanstvenega vidika svetuje svetu in direktorju Elixirja v zvezi z dejavnostmi Elixirja.

6.4.2 Sestava

- a. Znanstveni svetovalni odbor sestavljajo visokokvalificirani, mednarodno priznani znanstveniki, izbrani na podlagi svoje usposobljenosti na vseh področjih delovanja Elixirja. Odbor si mora prizadevati za uravnoteženo zastopanost spolov.
- b. Člani znanstvenega svetovalnega odbora so imenovani kot posamezniki in ne kot predstavniki članov Elixirja.

6.4.3 Izbira in imenovanje članov znanstvenega svetovalnega odbora

- a. Direktor Elixirja po posvetovanju s člani Elixirja predlaga svetu Elixirja seznam kandidatov, ki ga svet Elixirja upošteva pri izbirnem postopku.
- b. Svet Elixirja imenuje člane znanstvenega svetovalnega sveta za obdobje treh let.
- c. Znanstveni svetovalni svet sprejme svoj poslovnik.

6.5 Odbor vodij vozlišč**6.5.1 Vloga in namen**

Odbor vodij vozlišč sestavljajo predstavniki vozlišč Elixirja in EMBL – EBI. Ta odbor svetuje svetu in direktorju Elixirja glede dejavnosti Elixirja. Direktor Elixirja se posvetuje z odborom vodij vozlišč pri sestavljanju programa, ki ga predloži svetu Elixirja.

6.5.2 Člani odbora vodij vozlišč

- a. Vsako vozlišče Elixirja, ki ima sklenjen sporazum o sodelovanju z osrednjim vozliščem Elixirja, imenuje enega predstavnika, ki je vodja vozlišča Elixirja in je član odbora vodij vozlišč.
- b. EMBL – EBI imenuje enega predstavnika, ki je vodja za sodelovanje EMBL – EBI v Elixirju in je član odbora vodij vozlišč.
- c. Odbor vodij enot sprejme svoj poslovnik.

6.6 Drugi odbori, ki jih po potrebi ustanovi svet Elixirja

Svet in direktor Elixirja lahko po potrebi ustanovita druge odbore. Svet Elixirja določi pogoje za ustanovitev teh odborov in članstvo v njih.

7 Finance**7.1 Finančno načrtovanje in proračun****7.1.1 Finančni načrt**

Direktor Elixirja vsakih pet let predloži svetu Elixirja predlog finančnega načrta v obravnavo in sprejetje. To je podlaga za prispevke posamezne države članice Elixirja v tem petletnem obdobju in najvišji sprejeti proračun Elixirja za isto obdobje. Finančni načrt temelji na sprejetem programu.

7.1.2 Letni prispevki

Državi članici ni treba plačati večjega ali manjšega prispevka od običajnega letnega prispevka, ki je potrjen v finančnem načrtu. To ne vpliva na 5.1.5, drugi stavek 7.5 in 9.

7.1.3 Proračun Elixirja

Direktor Elixirja najpozneje do 1. oktobra vsako leto predloži svetu Elixirja v obravnavo in sprejetje proračun Elixirja za naslednje finančno leto z natančnimi ocenami predvidenih prihodkov in odhodkov za dejavnosti, ki jih v Elixirju izvaja osrednje vozlišče Elixirja.

7.1.4 Gibanje deviznih tečajev

Direktor Elixirja skupaj s proračunom za naslednje leto predloži svetu Elixirja tudi oceno vpliva gibanja deviznih tečajev na proračun Elixirja za tekoče leto. Svet Elixirja preuči, kako so ta gibanja deviznih tečajev vplivala na sposobnost direktorja Elixirja, da izvede program, in kakšni, če sploh, finančni popravki bi bili potrebni.

7.2 Financiranje osrednjega vozlišča Elixirja

Vozlišče Elixir se financira s:

- finančnimi prispevki držav članic,
 - finančnimi prispevki opazovalcev v skladu s 5.3,
 - darili,
 - poleg daril s posebnimi prispevki, opredeljenimi v tem sporazumu,
 - nepovratnimi sredstvi.
- Financiranje mora potrditi svet Elixirja.

7.3 Računovodski izkazi**7.3.1 Finančno leto**

Finančno leto za Elixir je obdobje od 1. januarja do 31. decembra.

7.3.2 Računovodski izkazi

EMBL vodi ločeno računovodstvo za Elixir v skladu s svojimi finančnimi predpisi, politiko, postopki in pravili. Zagotavlja, da so prihodki in odhodki dejavnosti Elixirja v računovodskih izkazih prikazani ločeno. Poroča o prihodkih in odhodkih za Elixir v letnem izkazu poslovnega izida, ki je del letnih računovodskih izkazov EMBL (priloga 2).

7.4 Revizija

Za prihodke in odhodke Elixirja se vsako leto opravi zunanja revizija, ki je del letne revizije EMBL. Zunanji revizorji EMBL predložijo svetu Elixirja ločeno revizijsko poročilo o prihodkih in odhodkih Elixirja; stroške tega poročila krije Elixir.

7.5 Splošni stroški poslovanja

EMBL zaračunava Elixirju splošne stroške poslovanja za svoje storitve v skladu s svojimi finančnimi predpisi, politikami, postopki in pravili. Zaračuna mu morebitne stroške, ki jih ima EMBL zaradi negativnega denarnega toka Elixirja.

7.6 Temeljna načela finančnega poslovanja Elixirja

7.6.1 Izvrševanje proračuna Elixirja

V skladu s sklepi sveta Elixirja EMBL upravlja proračun Elixirja za osrednje vozlišče Elixirja. Proračun Elixirja se izvršuje v skladu s sporazumom o ustanovitvi EMBL ter finančnimi pravili in predpisi EMBL.

7.6.2 Darila

Za vsa darila, ki presegajo vrednost 250.000 EUR, in za posebne prispevke sta potrebni soglasji sveta Elixirja in sveta EMBL v skladu s finančnimi pravili in predpisi EMBL. Darila morajo biti skladna z namenom Elixirja in EMBL.

8 Vozlišča Elixirja

8.1 Prijavni postopek za vozlišča Elixirja

Prijavni postopek zajema te korake:

- predlog člana Elixirja,
- ocena prijave za vozlišče,
- pogajanja,
- pravnoorganizacijska vključitev vozlišč Elixirja v Elixir s sporazumi o sodelovanju,
- redno ocenjevanje.

8.2 Pravica do dajanja predlogov

Prosilce za vozlišče predlagajo člani Elixirja. Svet Elixirja povabi člane Elixirja k dajanju predlogov v skladu s postopkom, ki ga sam določi.

8.3 Merila primernosti

Člani Elixirja lahko predlagajo samo tiste prosilce za vozlišče, ki izpolnjujejo vsa spodnja merila:

- a. so pravna oseba s pravno osebnostjo po notranjem pravu ali del pravne osebe,
- b. so v državi članici Elixirja in
- c. lahko dokažejo vzdržnost svojih financ glede dejavnosti, ki jih nameravajo opravljati za Elixir.

8.4 Postopek ocenjevanja prijave za vozlišče

Predloge ocenjuje znanstveni svetovadni odbor v skladu s postopkom, ki ga določi svet Elixirja.

8.5 Sporazumi o sodelovanju

8.5.1 Status vozlišča Elixirja

Sprejeti prosilec za vozlišče sklene sporazum o sodelovanju z EMBL, ki deluje v imenu osrednjega vozlišča Elixirja. S podpisom tega sporazuma postane prosilec za vozlišče vozlišče Elixirja. Podrobnosti sporazuma o sodelovanju določi direktor Elixirja, ki upošteva pripombe prosilca za vozlišče, dokončno pa jih potrdi svet Elixirja.

8.5.2 Zagotavljanje tehničnih storitev

V sporazumu o sodelovanju so opredeljeni tehnične storitve (naročene storitve in dodatne storitve), ki jih zagotavljajo vozlišča Elixirja, in mehanizmi njihovega zagotavljanja.

8.6 Naročanje tehničnih storitev v vozliščih Elixirja

Svet Elixirja se lahko odloči, da pri naročenih storitvah preda izvajanje nekaterih tehničnih storitev vozliščem Elixirja. Naročene storitve, ki jih opravljajo vozlišča Elixirja, se financirajo iz proračuna Elixirja in zagotavljajo pod pogoji, ki so opredeljeni v sporazumu o sodelovanju.

8.7 Postopek ocenjevanja vozlišč Elixirja

Vozlišča Elixirja redno ocenjuje znanstveni svetovadni odbor, kot to določi svet Elixirja. Ta se na podlagi priporočila znanstvenega svetovalnega odbora odloči za obnove ali odpoved (delno ali v celoti) sporazuma o sodelovanju z vozliščem Elixirja.

8.8 Odpoved sporazuma o sodelovanju

8.8.1 Odpoved s strani vozlišča Elixirja

Vozlišče Elixirja lahko odpove sporazum o sodelovanju s pisnim obvestilom z najmanj dvanajstmesečnim (12) odpovednim rokom, poslanim direktorju Elixirja.

8.8.2 Odpoved s strani sveta Elixirja

Če vozlišče Elixirja resno krši sporazum o sodelovanju, ga Svet Elixirja lahko odpove s pisnim obvestilom z najmanj trimesečnim odpovednim rokom, poslanim vodji tega vozlišča. Če vozlišče Elixirja ne izpolnjuje več najmanj enega od meril primernosti iz 8.3, se sporazum o sodelovanju takoj prekine.

8.8.3 Prenehanje veljavnosti in pogoji za obnovev sporazuma o sodelovanju

Svet Elixirja se lahko odloči za obnovev sporazuma o sodelovanju, razen če so izpolnjeni vsi ti pogoji:

- a. znanstveni svetovalni odbor je predložil oceno, v kateri so naštetni podrobni razlogi za sprejetje odločitve, da se sporazum o sodelovanju ne obnovi,
- b. svet Elixirja je sprejel odločitev, da se sporazum o sodelovanju prekine, in
- c. vozlišču Elixirja je bilo šest mesecev pred rednim prenehanjem veljavnosti sporazuma o sodelovanju poslano pisno obvestilo.

Če eno od meril primernosti iz 8.3 b ni več izpolnjeno, se lahko svet Elixirja odloči, da obnovi ali prekine sporazum o sodelovanju brez posvetovanja z znanstvenim svetovalnim odborom.

Sklep, da se sporazum o sodelovanju ne obnovi, je treba sporočiti vozlišču Elixirja pisno šest (6) mesecev pred potekom sporazuma.

9. Odgovornost

9.1 EMBL kot oškodovanec

Države članice Elixirja so odgovorne EMBL za vso neposredno, posredno ali posledično izgubo in podobno škodo, ki je povezana s poslovanjem ali vodenjem osrednjega vozlišča Elixirja ali je posledica tega poslovanja ali vodenja ali izhaja iz naročenih storitev, ki jih izvaja EMBL v skladu s 5.4, če te izgube ali škode ni povzročil EMBL z namernim dejanjem ali iz hude malomarnosti.

9.2 Zahtevki tretjih strank

Države članice Elixirja se strinjajo, da bodo EMBL plačale odškodnino in prevzele odgovornost za vso morebitno neposredno, posredno ali posledično izgubo in podobno škodo do tretjih strank, ki je posledica poslovanja ali vodenja osrednjega vozlišča Elixirja ali izhaja iz naročenih storitev, ki jih izvaja EMBL v skladu s 5.4, če te izgube ali škode ni povzročil EMBL z namernim dejanjem ali iz hude malomarnosti.

9.3 Razdelitev izgube med državami članicami Elixirja

Odgovornost nastane na dan nastanka izgube ali škode in traja, dokler izguba ali škoda ni odpravljena. Finančne posledice odgovornosti vsake države članice Elixirja se izračunajo sorazmerno s prispevki države članice za leto, v katerem je nastala izguba ali škoda. Če se izguba ali škoda nanaša na večletno obdobje, se za vsako leto naredi ločen izračun, vendar samo za tiste države, ki so bile članice v času, ko je izguba ali škoda nastala.

9.4 Zavarovalno kritje za Elixir

EMBL jamči in zagotavlja, da je sklenil zavarovanje v skladu s sporazumom o gostovanju med EMBL in vlado Združenega kraljestva.

10. Intelktualna lastnina

Dejavnosti osrednjega vozlišča Elixirja so omejene na zagotavljanje tehničnih in administrativnih storitev. Ker je Elixir infrastrukturni okvir in sam ne opravlja raziskav, ni pričakovati, da bo s svojimi dejavnostmi ali delovanjem razvijal intelektualno lastnino; od njega se pričakuje, da bo spodbujal ustvarjanje intelektualne lastnine pri raziskovalcih, ki uporabljajo infrastrukturo Elixirja. Člani Elixirja se zato strinjajo, da so vsi podatki in tehnične storitve, ki omogočajo dostop do teh podatkov in njihovo podporo, zagotovljeni na podlagi prostega dostopa in/ali odprte kode in da so v skladu z veljavnimi licencami javni. Če pa je posledica dejavnosti ali delovanja Elixirja izum, ki se lahko zaščiti in trži, se člani Elixirja strinjajo, da se o tem izumu obvesti svet Elixirja. Izum je lastnina subjekta, ki je opravil delo, ki je privedlo do izuma. Člani Elixirja nato za vsak primer posebej z medsebojnim soglasjem odločijo, kako najprimerneje ravnati.

11. Etične usmeritve

Svet Elixirja opredeli etične usmeritve v skladu z ustreznimi zakoni in drugimi predpisi ter ob upoštevanju najboljših praks. Sprejme ustrezne ukrepe, da so dejavnosti, ki so potrebne za opravljanje nalog osrednjega vozlišča Elixirja, v skladu s temi etičnimi usmeritvami. Svet Elixirja vzpostavi mehanizme, da se vsa vozlišča Elixirja in drugi sodelujoči partnerji v Elixirju zavejo obveznosti upoštevanja vseh ustreznih zakonov in drugih predpisov (in po potrebi lokalnih etičnih smernic) o ravnanju z osebnimi identifikacijskimi podatki, ki izhajajo iz biomedicinskih raziskav, ter njihovem shranjevanju ali obdelavi.

12. Učinkovanje, začetek veljavnosti in pristop novih članov Elixirja

12.1 Podpis, učinkovanje in začetek veljavnosti

Sporazum je na voljo za podpis vsem subjektom, ki izpolnjujejo pogoje po 4.1.1. Veljati začne trideset dni od dneva, ko so pet držav in EMBL izrazili soglasje, da jih ta sporazum zavezuje.

Za vsak subjekt, ki izpolnjuje pogoje in po začetku veljavnosti sporazuma izrazi soglasje, da ga ta zavezuje, začne sporazum veljati trideset dni od dneva njegovega soglasja.

12.2 Pristop novega člana Elixirja

Novi član Elixirja pristopi k temu sporazumu na dan, ko ga podpiše.

12.3 Trajanje

Ne glede na določbe 4.3, 4.4 in 12.1 ta sporazum v celoti velja in učinkuje do 31. decembra 2017 ter se molče podaljša.

13 Prenehanje veljavnosti in posledice**13.1 Prenehanje veljavnosti**

Ta sporazum lahko preneha veljati s soglasjem vseh članov Elixirja. Samodejno in s takojšnjim učinkom preneha veljati, če v njem ostanejo manj kot tri države članice Elixirja in/ali če EMBL izstopi v skladu s 4.3.3.

13.2 Likvidacija

Če ta sporazum preneha veljati, je EMBL pooblaščen za likvidacijo sredstev in premoženja, dodeljenih Elixirju, razen premoženja, ki ga je EMBL dal na razpolago Elixirju in ni bilo pridobljeno za potrebe Elixirja (lastništvo nad temi sredstvi se vrne EMBL). Izkupiček iz likvidacije se najprej uporabi za kritje morebitnih zapadlih obveznosti Elixirja. Morebitna preostala finančna ali druga sredstva se razdelijo med preostale člane Elixirja sorazmerno z njihovim skupnim finančnim prispevkom ob prenehanju delovanja. Morebitne preostale zapadle obveznosti ali izguba se razdelijo med preostale člane Elixirja.

14 Jezik

Sporazum je sestavljen v angleščini. Angleški jezik se uporablja za vse dokumente, sporočila, seje, postopke in s tem povezane procese ter je delovni jezik Elixirja.

15 Nedoslednosti in neodvisnost določb

Če katera določba tega sporazuma postane neveljavna, nezakonita ali neizvedljiva, to ne vpliva na veljavnost njegovih preostalih določb. V takem primeru imajo člani Elixirja pravico zahtevati, da se s pogajanjem oblikuje veljavna in izvedljiva določba, ki najbolje uresničuje namen osnovne določbe.

16 Obvestila

Vsa obvestila po tem sporazumu se pisno pošiljajo na naslove in prejemnikom po najnovejšem seznamu, ki ga vodi direktor Elixirja na podlagi začetnega seznama članov Elixirja in drugih oseb za stike.

17 Spremembe

Sporazum se lahko spremeni s pisnim medsebojnim soglasjem vseh članov Elixirja.

18 Odstop pravic

Pravice ali obveznosti članov Elixirja se ne smejo v celoti ali delno odstopiti tretjim strankam ali prenesti nanje brez predhodne potrditve drugih članov Elixirja, ki pa potrditve ne smejo neupravičeno zavrniti, z njo odlašati ali je pogojevati.

19 Pravo, ki se uporablja

Sporazum se uporablja v skladu z:

- (a) mednarodnim pravom in podrejeno
- (b) zakonodajo Anglije in Walesa za tiste zadeve, ki jih ne urejajo ali jih samo delno urejajo akti, navedeni v točki (a).

20 Reševanje sporov

Vsak spor, nesoglasje ali zahtevek, ki izhaja iz tega sporazuma ali je v zvezi z njim ali njegovim obstojem, razlago, uporabo, kršitvijo, odpovedjo ali prenehanjem veljavnosti in ki ni rešen s pomočjo dobrih uslug predsednika ali podpredsednika sveta Elixirja, se reši v skladu s pravili arbitraže Stalnega arbitražnega sodišča iz leta 2012. Arbitri morajo biti trije. Za arbitražni postopek se uporablja angleščina.

Organ za imenovanja je generalni sekretar Stalnega arbitražnega razsodišča. Vsaka stranka krije svoje stroške arbitraže. Arbitražno sodišče lahko razdeli stroške med stranke, če presodi, da je ob upoštevanju okoliščin zadeve razdelitev primerna.

V potrditev tega so podpisani, ki so jih za to pravilno pooblastili njihove vlade ali subjekti, podpisali ta sporazum v enem izvorniku, ki se hrani v arhivu EMBL, ta pa overjene kopije pošlje vsem podpisnikom.

Priloga 1: Lestvica prispevkov bodočih držav članic na podlagi neto nacionalnega dohodka (NND) za obdobje 2014–2018 (veljavnost april 2013)

Transakcija	B5_NS1: Neto nacionalni dohodek (tržne cene)			D21_D31: Davki na proizvode, zmanjšani za subvencije			Neto nacionalni dohodek (v stroških faktorjev) v mio. USD			Povprečje	Višina prispevka
	2009	2010	2011	2009	2010	2011	2009	2010	2011		
Ukrep	CXC: mio. USD, tekoče cene, menjalni tečaj			CXC: mio. USD, tekoče cene, tekoči menjalni tečaj			CXC: mio. USD, tekoče cene, tekoči menjalni tečaj				
Država	2009	2010	2011	2009	2010	2011	2009	2010	2011		2014–2018
Česka republika	146.802	146.313	160.432	19.344	19.404	21.414	127.458	126.909	139.019	131.129	1,41 %
Danska	259.772	267.398	286.440	43.556	43.457	46.835	216.217	223.942	239.606	226.588	2,43 %
Estonija	15.471	14.944	17.762	2.588	2.438	2.852	12.884	12.505	14.910	13.433	0,14 %
Finska	202.611	201.915	222.825	31.150	30.679	36.234	171.461	171.236	186.591	176.429	1,89 %
Francija	2.302.833	2.259.041	2.439.688	256.374	259.281	288.575	2.046.459	1.999.759	2.151.113	2.065.777	22,18 %
Grčija	267.884	238.755	227.496	34.980	35.666	35.302	232.904	203.088	192.194	209.396	2,25 %
Izrael	165.494	186.880	209.667	21.743	25.610	28.415	143.752	161.270	181.252	162.091	1,74 %
Italija	1.741.476	1.693.768	1.797.117	209.936	213.925	230.274	1.531.540	1.479.843	1.566.842	1.526.075	16,39 %
Nizozemska	654.880	649.107	720.721	86.662	82.861	87.020	568.218	566.246	633.701	589.388	6,33 %
Norveška	325.305	365.750	425.466	41.550	46.929	52.649	283.755	318.821	372.816	325.131	3,49 %
Portugalska	183.192	180.771	185.767	27.523	28.386	30.078	155.669	152.385	155.688	154.581	1,66 %
Slovenija	40.298	38.685	41.403	6.297	6.121	6.495	34.001	32.564	34.908	33.824	0,36 %
Španija	1.202.111	1.148.031	1.205.480	103.775	120.671	121.003	1.098.335	1.027.360	1.084.477	1.070.057	11,49 %
Švedska	356.385	411.526	482.905	51.655	58.759	65.800	304.729	352.768	417.105	358.201	3,85 %
Švica	426.221	484.196	559.363	27.530	30.016	35.859	398.691	454.180	523.503	458.791	4,93 %
Združeno kraljestvo	1.961.565	2.031.953	2.179.541	213.194	243.529	283.450	1.748.372	1.788.423	1.896.091	1.810.962	19,45 %
Skupaj	10.252.302	10.319.033	11.162.072	1.177.855	1.247.734	1.372.255	9.074.446	9.071.299	9.789.817	9.311.854	100 %

Podatki, pridobljeni 2. maja 2013 ob 7.18 UTC iz OECD.Stat

Priloga 2: Predloga za letni izkaz prihodkov in odhodkov za poslovno leto

<u>Prihodki</u>	Proračun Elixirja	Tekoče leto	Prejšnje leto
Prispevki države članice			
Darila in donacije			
Drugi prihodki			
Skupaj prihodki			
<u>Odhodki</u>			
Tehnološke dejavnosti			
Odhodki za tehnične projekte			
Odhodki za direktorat in administrativne storitve			
Stroški osebja			
Tekoči stroški			
Oprema in amortizacija			
Splošni stroški poslovanja			
Drugi odhodki			
Skupaj odhodki			
Presežek (primanjkljaj) tekočega leta			

3. člen

Za izvajanje sporazuma skrbi ministrstvo, pristojno za znanost.

4. člen

Ta zakon začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 630-02/15-3/11

Ljubljana, dne 26. januarja 2016

EPA 352-VII

Državni zbor
Republike Slovenije
dr. Milan Brglez l.r.
Predsednik

8. Zakon o ratifikaciji Metrske konvencije (MMK)

Na podlagi druge alineje prvega odstavka 107. člena in prvega odstavka 91. člena Ustave Republike Slovenije izdajam

U K A Z**o razglasitvi Zakona o ratifikaciji Metrske konvencije (MMK)**

Razglašam Zakon o ratifikaciji Metrske konvencije (MMK), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 26. januarja 2016.

Št. 003-02-1/2016-5

Ljubljana, dne 3. februarja 2016

Borut Pahor l.r.
Predsednik
Republike Slovenije

Z A K O N**O RATIFIKACIJI METRSKE KONVENCIJE (MMK)**

1. člen

Ratificira se Metrska konvencija, sklenjena v Parizu 20. maja 1875, kot je bila spremenjena v Parizu 17. oktobra 1907 in v Sèvresu 6. oktobra 1921.

2. člen

Konvencija se v izvirniku v francoskem jeziku in prevodu v slovenskem jeziku glasi:

CONVENTION DU MÈTRE

ARTICLE PREMIER (1875)

Les Hautes Parties contractantes s'engagent à fonder et entretenir, à frais communs, un *Bureau international des poids et mesures*, scientifique et permanent, dont le siège est à Paris.

ART. 2 (1875)

Le Gouvernement français prendra les dispositions nécessaires pour faciliter l'acquisition ou, s'il y a lieu, la construction d'un bâtiment spécialement affecté à cette destination, dans les conditions déterminées par le Règlement annexé à la présente Convention.

ART. 3 (1875)

Le Bureau international fonctionnera sous la direction et la surveillance exclusives d'un *Comité international des poids et mesures*, placé lui-même sous l'autorité d'une *Conférence générale des poids et mesures*, formée de délégués de tous les Gouvernements contractants.

ART. 4 (1875)

La présidence de la Conférence générale des poids et mesures est attribuée au président en exercice de l'Académie des Sciences de Paris.

ART. 5 (1875)

L'organisation du Bureau, ainsi que la composition et les attributions du Comité international et de la Conférence générale des poids et mesures, sont déterminées par le Règlement annexé à la présente Convention.

ART. 6 (1875)

Le Bureau international des poids et mesures est chargé:
1° De toutes les comparaisons et vérifications des nouveaux prototypes du mètre et du kilogramme;
2° De la conservation des prototypes internationaux;

METRSKA KONVENCIJA

1. člen (1875)

Visoke pogodbenice se zavezujejo, da bodo na skupne stroške ustanovile in vzdrževale *Mednarodni urad za uteži in mere*, stalni znanstveni inštitut s sedežem v Parizu.

2. člen (1875)

Francoska vlada bo v skladu s pogoji iz pravilnika, ki je priloga te konvencije, sprejela potrebne ukrepe, da bi omogočila pridobitev ali po potrebi gradnjo objekta za ta namen.

3. člen (1875)

Mednarodni urad bo deloval pod izključnim vodstvom in nadzorom *Mednarodnega odbora za uteži in mere*, ki je v pristojnosti *Generalne konference za uteži in mere*, katere člani so delegati vseh vlad pogodbenic.

4. člen (1875)

Generalno konferenco za uteži in mere vodi predsednik Akademije znanosti v Parizu.

5. člen (1875)

Organizacijo urada ter sestavo in pristojnosti mednarodnega odbora in Generalne konference za uteži in mere določa pravilnik, ki je priloga te konvencije.

6. člen (1875)

Naloge Mednarodnega urada za uteži in mere so:
1. vse vrste primerjav in preverjanj novih prototipov metra in kilograma;
2. hramba mednarodnih prototipov;

3° Des comparaisons périodiques des étalons nationaux avec les prototypes internationaux et avec leurs témoins, ainsi que de celles des thermomètres étalons;

4° De la comparaison des nouveaux prototypes avec les étalons fondamentaux des poids et mesures non métriques employés dans les différents pays et dans les sciences;

5° De l'étalonnage et de la comparaison des règles géométriques;

6° De la comparaison des étalons et échelles de précision dont la vérification serait demandée, soit par des Gouvernements, soit par des sociétés savantes, soit même par des artistes et des savants.

ART. 7 (1921)

Après que le Comité aura procédé au travail de coordination des mesures relatives aux unités électriques, et lorsque la Conférence générale en aura décidé par un vote unanime, le Bureau sera chargé de l'établissement et de la conservation des étalons des unités électriques et de leurs témoins, ainsi que de la comparaison, avec ces étalons, des étalons nationaux ou d'autres étalons de précision.

Le Bureau est chargé, en outre, des déterminations relatives aux constantes physiques dont une connaissance plus exacte peut servir à accroître la précision et à assurer mieux l'uniformité dans les domaines auxquels appartiennent les unités ci-dessus mentionnées (article 6 et 1^{er} alinéa de l'article 7).

Il est chargé, enfin, du travail de coordination des déterminations analogues effectuées dans d'autres instituts.

ART. 8 (1921)

Les prototypes internationaux, ainsi que leurs témoins, demeureront déposés dans le Bureau; l'accès du dépôt sera uniquement réservé au Comité international.

ART. 9 (1875)

Tous les frais d'établissement et d'installation du Bureau international des poids et mesures, ainsi que les dépenses annuelles d'entretien et celles du Comité, seront couverts par des contributions des États contractants, établies d'après une échelle basée sur leur population actuelle.

ART. 10 (1875)

Les sommes représentant la part contributive de chacun des États contractants seront versées, au commencement de chaque année, par l'intermédiaire du Ministère des Affaires étrangères de France, à la Caisse des dépôts et consignations à Paris, d'où elles seront retirées, au fur et à mesure des besoins, sur mandats du directeur du Bureau.

ART. 11 (1875)

Les Gouvernements qui useraient de la faculté, réservée à tout État, d'accéder à la présente Convention, seront tenus d'acquiescer une contribution dont le montant sera déterminé par le Comité sur les bases établies à l'article 9, et qui sera affectée à l'amélioration du matériel scientifique du Bureau.

ARTICLE III

(dispositions ajoutées par la Convention de 1921)

Tout État pourra adhérer à la présente Convention en notifiant son adhésion au Gouvernement français, qui en donnera avis à tous les États participants et au président du Comité international des poids et mesures.

Toute accession nouvelle à la Convention du 20 mai 1875 entraînera obligatoirement adhésion à la présente Convention.

ART. 12 (1875)

Les Hautes Parties contractantes se réservent la faculté d'apporter d'un commun accord à la présente Convention toutes les modifications dont l'expérience démontrerait l'utilité.

3. redne primerjave nacionalnih etalonov z mednarodnimi prototipi in njihovimi uradnimi kopijami ter primerjave etalonov za termometre;

4. primerjava novih prototipov s temeljnimi etaloni za nemetrične uteži in mere, ki se uporabljajo v različnih državah in znanstvenih vedah;

5. umerjanje in primerjava geodetskih meril;

6. primerjava natančnih etalonov in meril, katerih preverjanje bi zahtevali vlade, znanstvena združenja ali celo obrtniki ali posamezni znanstveniki.

7. člen (1921)

Potem ko bo odbor uskladjal mere, ki se nanašajo na električne enote, in bo generalna konferenca o tem sprejela soglasno odločitev, bo urad pristojen za vzpostavitev in hrambo etalonov električnih enot in njihovih uradnih kopij ter primerjavo nacionalnih etalonov ali drugih natančnih etalonov s temi etaloni.

Urad je med drugim pristojen za določanje fizikalnih konstant, katerih natančnejše poznavanje lahko poveča natančnost in zagotovi večjo enotnost na področjih, na katera spadajo zgoraj navedene enote (6. člen in prvi odstavek 7. člena).

Pristojen je tudi za usklajevanje podobnega določanja, ki ga opravijo druge institucije.

8. člen (1921)

Mednarodni prototipi in njihove uradne kopije bodo shranjeni v uradu, dostop do njih pa bo imel le mednarodni odbor.

9. člen (1875)

Vsi stroški ustanovitve in namestitve Mednarodnega urada za uteži in mere ter letni izdatki za vzdrževanje in izdatki odbora se bodo krili s prispevki držav pogodbenic, ki bodo izračunani glede na lestvico, določeno na podlagi dejanskega števila prebivalcev.

10. člen (1875)

Zneski prispevkov držav pogodbenic se na začetku vsakega leta prek francoskega ministrstva za zunanje zadeve nakažejo Depozitnemu in konsignacijskemu uradu v Parizu, od koder se po potrebi dvignejo, če to odobri direktor urada.

11. člen (1875)

Vlade, ki bi uporabile možnost pristopa k tej konvenciji, ki je na voljo vsem državam, morajo plačati prispevek, kot ga določi odbor na podlagi 9. člena in ki se nameni izboljšavam znanstvene opreme urada.

III. člen

(določbe, dodane s konvencijo iz leta 1921)

K tej konvenciji lahko pristopi vsaka država, in sicer tako da o tem uradno obvesti francosko vlado, ki nato obvesti vse sodelujoče države in predsednika Mednarodnega odbora za uteži in mere.

Vsak nov pristop h konvenciji z dne 20. maja 1875 pomeni tudi pristop k tej konvenciji.

12. člen (1875)

Visoke pogodbenice si pridržujejo pravico, da to konvencijo v skladu s skupnim dogovorom in na podlagi izkušenj ustrezno spremenijo.

ART. 13 (1875)

À l'expiration d'un terme de douze années, la présente Convention pourra être dénoncée par l'une ou l'autre des Hautes Parties contractantes.

Le Gouvernement qui userait de la faculté d'en faire cesser les effets en ce qui le concerne sera tenu de notifier son intention une année d'avance, et renoncera, par ce fait, à tous droits de copropriété sur les prototypes internationaux et sur le Bureau.

ART. 14 (1875)

La présente Convention sera ratifiée suivant les lois constitutionnelles particulières à chaque État; les ratifications en seront échangées à Paris dans le délai de six mois, ou plus tôt si faire se peut. Elle sera mise à exécution à partir du 1^{er} janvier 1876.

En foi de quoi, les plénipotentiaires respectifs l'ont signée et y ont apposé le cachet de leurs armes.

ANNEXE

RÈGLEMENT

ARTICLE PREMIER (1875)

Le Bureau international des poids et mesures sera établi dans un bâtiment spécial présentant toutes les garanties nécessaires de tranquillité et de stabilité.

Il comprendra, outre le local approprié au dépôt des prototypes, des salles pour l'installation des comparateurs et des balances, un laboratoire, une bibliothèque, une salle d'archives, des cabinets de travail pour les fonctionnaires et des logements pour le personnel de garde et de service.

ART. 2 (1875)

Le Comité international est chargé de l'acquisition et de l'appropriation de ce bâtiment, ainsi que de l'installation des services auxquels il est destiné.

Dans le cas où le Comité ne trouverait pas à acquérir un bâtiment convenable, il en sera construit un sous sa direction et sur ses plans.

ART. 3 (1875)

Le Gouvernement français prendra, sur la demande du Comité international, les dispositions nécessaires pour faire reconnaître le Bureau comme établissement d'utilité publique.

ART. 4 (1875)

Le Comité international fera exécuter les instruments nécessaires, tels que: comparateurs pour les étalons à traits et à bouts, appareil pour les déterminations des dilatations absolues, balances pour les pesées dans l'air et dans le vide, comparateurs pour les règles géodésiques, etc.

ART. 5 (1875)

Les frais d'acquisition ou de construction du bâtiment et les dépenses d'installation et d'achat des instruments et appareils ne pourront dépasser ensemble la somme de 400 000 francs.

ART. 6 (1921)

1. La dotation annuelle du Bureau international est composée de deux parties: l'une fixe, l'autre complémentaire.

2. La partie fixe est, en principe, de 250 000 francs, mais peut être portée à 300 000 francs par décision unanime du Comité. Elle est à la charge de tous les États et des Colonies autonomes qui ont adhéré à la Convention du Mètre avant la Sixième Conférence générale.

13. člen (1875)

Po izteku dvanajstletnega obdobja lahko konvencijo odpove katera koli visoka pogodbenica.

Vlada, ki bi uveljavila pravico, da ta konvencija zanjo preneha veljati, mora svojo namero uradno sporočiti leto vnaprej, s čimer se odpove vsem solastniškim pravicam do mednarodnih prototipov in do urada.

14. člen (1875)

Konvencija se ratificira v skladu z notranjo zakonodajo posamezne države, listine o ratifikaciji pa se bodo izmenjale v Parizu v šestih mesecih ali prej, če je to mogoče. Konvencija začne veljati 1. januarja 1876.

V potrditev tega so jo pooblaščenki podpisali in jo opremili s svojimi pečati.

PRILOGA

PRAVILNIK

1. člen (1875)

Mednarodni urad za uteži in mere bo vzpostavljen v posebni stavbi, v kateri bosta zagotovljena mir in stabilnost.

V stavbi bodo poleg prostora, namenjenega skladiščenju prototipov, še prostori za namestitve komparatorjev in tehtnic, laboratorij, knjižnica, arhiv, pisarne za osebje ter stanovanja za oskrbnike in tehnično osebje.

2. člen (1875)

Mednarodni odbor je pristojen za nakup te stavbe in ureditev njenega lastništva ter vzpostavitev storitev, ki jim bo namenjena.

Če odboru ne bi uspelo pridobiti primerne stavbe, se bo stavba zgradila, in sicer pod vodstvom in po načrtih odbora.

3. člen (1875)

Francoska vlada bo na zahtevo mednarodnega odbora sprejela potrebne ukrepe za priznavanje urada kot javne ustanove.

4. člen (1875)

Mednarodni odbor bo naročil izdelavo potrebnih instrumentov, kot so komparatorji za etalone s črtami ali skrajnima točkama, naprava za določanje absolutnega raztezanja, tehtnice za tehtanje v zraku in vakuumu, komparatorji za geodetska merila itd.

5. člen (1875)

Skupni stroški nakupa ali gradnje stavbe ter izdatki za namestitve in nakup instrumentov in naprav ne smejo presežati 400 000 frankov.

6. člen (1921)

1. Letna dotacija mednarodnemu uradu je sestavljena iz dveh delov, in sicer fiksnega in dopolnilnega.

2. Fiksni del načeloma znaša 250 000 frankov, vendar se lahko s soglasnim sklepom odbora poviša na 300 000 frankov. Plačajo ga vse države in neodvisne kolonije, ki so k Metrski konvenciji pristopile pred šesto generalno konferenco.

3. La partie complémentaire est formée des contributions des États et des Colonies autonomes qui sont entrés dans la Convention après ladite Conférence générale.

4. Le Comité est chargé d'établir, sur la proposition du directeur, le budget annuel, mais sans dépasser la somme calculée conformément aux stipulations des deux alinéas ci-dessus. Ce budget est porté, chaque année, dans un Rapport spécial financier, à la connaissance des Gouvernements des Hautes Parties contractantes.

5. Dans le cas où le Comité jugerait nécessaire, soit d'accroître au-delà de 300 000 francs la partie fixe de la dotation annuelle, soit de modifier le calcul des contributions déterminé par l'article 20 du présent Règlement, il devrait en saisir les Gouvernements de façon à leur permettre de donner, en temps utile, les instructions nécessaires à leurs délégués à la Conférence générale suivante, afin que celle-ci puisse délibérer valablement. La décision sera valable seulement dans le cas où aucun des États contractants n'aura exprimé, ou n'exprimera, dans la Conférence, un avis contraire.

6. Si un État est demeuré trois années sans effectuer le versement de sa contribution, celle-ci est répartie entre les autres États, au prorata de leurs propres contributions. Les sommes supplémentaires, versées ainsi par les États pour parfaire le montant de la dotation du Bureau, sont considérées comme une avance faite à l'État retardataire, et leur sont remboursées si celui-ci vient à acquitter ses contributions arriérées.

7. Les avantages et prérogatives conférés par l'adhésion à la Convention du Mètre sont suspendus à l'égard des États déficitaires de trois années.

8. Après trois nouvelles années, l'État déficitaire est exclu de la Convention, et le calcul des contributions est rétabli conformément aux dispositions de l'article 20 du présent Règlement.

ART. 7 (1875)

La Conférence générale, mentionnée à l'article 3 de la Convention, se réunira à Paris, sur la convocation du Comité international, au moins une fois tous les six ans.

Elle a pour mission de discuter et de provoquer les mesures nécessaires pour la propagation et le perfectionnement du Système métrique, ainsi que de sanctionner les nouvelles déterminations métrologiques fondamentales qui auraient été faites dans l'intervalle de ses réunions. Elle reçoit le Rapport du Comité international sur les travaux accomplis, et procède, au scrutin secret, au renouvellement par moitié du Comité international.

Les votes, au sein de la Conférence générale, ont lieu par États; chaque État a droit à une voix.

Les membres du Comité international siègent de droit dans les réunions de la Conférence; ils peuvent être en même temps délégués de leurs Gouvernements.

ART. 8 (1921)

Le Comité international, mentionné à l'article 3 de la Convention, sera composé de dix-huit membres appartenant tous à des États différents.

Lors du renouvellement, par moitié, du Comité international, les membres sortants seront d'abord ceux qui, en cas de vacances, auront été élus provisoirement dans l'intervalle entre deux sessions de la Conférence; les autres seront désignés par le sort.

Les membres sortants sont rééligibles.

ART. 9 (1921)

Le Comité international se constitue en choisissant lui-même, au scrutin secret, son président et son secrétaire. Ces nominations sont notifiées aux Gouvernements des Hautes Parties contractantes.

Le président et le secrétaire du Comité, et le directeur du Bureau, doivent appartenir à des pays différents.

3. Dopolnilni del je sestavljen iz prispevkov držav in neodvisnih kolonij, ki so h konvenciji pristopile po šesti generalni konferenci.

4. Odbor na predlog direktorja pripravi letni proračun, pri čemer znesek, izračunan v skladu z določbami zgornjih dveh odstavkov, ne sme biti presežen. Ta proračun se vsako leto predloži vladam visokih pogodbenic v obliki posebnega finančnega poročila.

5. Če odbor meni, da bi moral biti fiksni del letne dotacije višji od 300 000 frankov ali da bi bilo treba spremeniti izračun prispevkov, kot je določen v 20. členu tega pravilnika, mora o tem obvestiti vlade, da lahko v doglednem času svojim delegatom za naslednjo generalno konferenco dajo navodila, da bo lahko generalna konferenca o tem veljavno odločala. Odločitev bo veljavna le, če nobena od držav pogodbenic med konferenco ne bi oziroma ne bo izrazila nasprotnega mnenja.

6. Če država tri leta ne nakaže svojega prispevka, se ta razdeli med druge države sorazmerno z njihovimi prispevki. Dodatni zneski, ki jih za izpolnitev dotacije uradu nakažejo države, se štejejo za akontacijo za državo, ki zamuja s plačilom; zneski se jim povrnejo, če država poplača zapadle obveznosti.

7. Prednosti in posebne pravice, ki jih države pridobijo s pristopom k Meterski konvenciji, se državam, ki tri leta ne plačajo prispevkov, začasno ukinejo.

8. Po dodatnih treh letih se država, ki tri leta ni plačala prispevkov, izključi iz konvencije, zneski prispevkov pa se ponovno izračunajo v skladu z 20. členom pravilnika.

7. člen (1875)

Generalna konferenca iz 3. člena konvencije zaseda v Parizu, skliče pa jo mednarodni odbor vsaj enkrat na šest let.

Namenjena je razpravam in sprejetju ukrepov, ki so potrebni za uveljavljanje in izpopolnjevanje metričnega sistema, ter potrjevanju novih temeljnih meroslovnih določitev, ki bi bile opravljene v obdobju med zasedanjema. Prejme poročilo mednarodnega odbora o opravljenem delu in s tajnim glasovanjem odloča o menjavi polovice mednarodnega odbora.

Na generalni konferenci glasujejo države; vsaka država ima en glas.

Člani mednarodnega odbora imajo pravico sodelovati na zasedanjih konference; hkrati so lahko tudi delegati svojih vlad.

8. člen (1921)

Mednarodni odbor iz 3. člena konvencije sestavlja osemnajst članov iz različnih držav.

Pri menjavi polovice mednarodnega odbora se najprej zamenjajo člani, ki so bili začasno izvoljeni na prosta mesta v obdobju med zasedanjema konference; drugi člani se izberejo z žrebom.

Odhajajoči člani so lahko ponovno izvoljeni.

9. člen (1921)

Mednarodni odbor se ustanovi tako, da sam s tajnim glasovanjem izbere predsednika in tajnika. O njunem imenovanju se uradno obvestijo vlade visokih pogodbenic.

Predsednik in tajnik odbora ter direktor urada morajo biti iz različnih držav.

Une fois constitué, le Comité ne peut procéder à de nouvelles élections ou nominations que trois mois après que tous les membres auront été informés de la vacance donnant lieu à un vote.

ART. 10 (1921)

Le Comité international dirige tous les travaux métrologiques que les Hautes Parties contractantes décideront de faire exécuter en commun.

Il est chargé, en outre, de surveiller la conservation des prototypes et étalons internationaux.

Il peut, enfin, instituer la coopération de spécialistes dans des questions de métrologie, et coordonner les résultats de leurs travaux.

ART. 11 (1921)

Le Comité se réunira au moins une fois tous les deux ans.

ART. 12 (1921)

Les votes au sein du Comité ont lieu à la majorité des voix; en cas de partage, la voix du président est prépondérante. Les décisions ne sont valables que si le nombre des membres présents égale au moins la moitié des membres élus qui composent le Comité.

Sous réserve de cette condition, les membres absents ont le droit de déléguer leurs votes aux membres présents, qui devront justifier de cette délégation. Il en est de même pour les nominations au scrutin secret.

Le directeur du Bureau a voix délibérative au sein du Comité.

ART. 13 (1875)

Dans l'intervalle d'une session à l'autre, le Comité a le droit de délibérer par correspondance.

Dans ce cas, pour que la décision soit valable, il faut que tous les membres du Comité aient été appelés à émettre leur avis.

ART. 14 (1875)

Le Comité international des poids et mesures remplit provisoirement les vacances qui pourraient se produire dans son sein; les élections se font par correspondance, chacun des membres étant appelé à y prendre part.

ART. 15 (1921)

Le Comité international élaborera un règlement détaillé pour l'organisation et les travaux du Bureau, et il fixera les taxes à payer pour les travaux extraordinaires prévus aux articles 6 et 7 de la Convention.

Ces taxes seront affectées au perfectionnement du matériel scientifique du Bureau. Un prélèvement annuel pourra être effectué, en faveur de la Caisse des retraites, sur le total des taxes perçues par le Bureau.

ART. 16 (1875)

Toutes les communications du Comité international avec les Gouvernements des Hautes Parties contractantes auront lieu par l'intermédiaire de leurs représentants diplomatiques à Paris.

Pour toutes les affaires dont la solution appartiendra à une administration française, le Comité aura recours au Ministère des Affaires étrangères de France.

ART. 17 (1921)

Un règlement, établi par le Comité, fixera l'effectif maximum pour chaque catégorie du personnel du Bureau.

Le directeur et ses adjoints seront nommés au scrutin secret par le Comité international. Leur nomination sera notifiée aux Gouvernements des Hautes Parties contractantes.

Ko je odbor ustanovljen, lahko nove volitve ali imenovanja izvede šele tri mesece po tem, ko so vsi člani obveščeni o prostem mestu, o katerem je treba glasovati.

10. člen (1921)

Mednarodni odbor vodi vsa meroslovna dela, za katera so visoke pogodbenice določile, da jih opravijo skupaj.

Med drugim je pristojen za nadzor nad hrambo prototipov in mednarodnih etalonov.

Lahko tudi vzpostavi sodelovanje med strokovnjaki za meroslovna vprašanja in usklajuje rezultate njihovega dela.

11. člen (1921)

Odbor se sestane najmanj enkrat na dve leti.

12. člen (1921)

Glasovanje v odboru je večinsko; pri neodločenem izidu glasovanja ima predsednik odločilni glas. Sklepi so veljavni le, če je prisotna vsaj polovica izvoljenih članov odbora.

Če je ta pogoj izpolnjen, lahko odsotni člani svoje glasove prenesejo na prisotne člane, ki morajo imeti za ta prenos ustrezna dokazila. Enako velja za imenovanja s tajnim glasovanjem.

Direktor urada ima pravico do glasovanja v odboru.

13. člen (1875)

V obdobju med zasedanjema ima odbor pravico do dopisnega odločanja.

V tem primeru je sklep veljaven, če so bili povabljeni vsi člani odbora, da izrazijo svoje mnenje.

14. člen (1875)

Mednarodni odbor za uteži in mere začasno zapolni morebitna prosta mesta; opravi se dopisno glasovanje, h kateremu so povabljeni vsi člani.

15. člen (1921)

Mednarodni odbor bo sestavil podroben pravilnik o organizaciji in delu urada ter določil dajatve, ki jih je treba plačati za dodatna dela, predvidena v 6. in 7. členu konvencije.

Te dajatve bodo namenjene izboljšanju znanstvene opreme urada. Od vseh dajatev, ki jih pobere urad, se lahko nakaže letni prispevek v pokojninski sklad.

16. člen (1875)

Mednarodni odbor z vladami visokih pogodbenic komunicira po njihovih diplomatskih predstavnikih v Parizu.

Če morajo v zadevah odločati francoski organi, se odbor obrne na francosko ministrstvo za zunanje zadeve.

17. člen (1921)

Največje število zaposlenih za vsako kategorijo osebja urada določa pravilnik, ki ga sestavi odbor.

Direktor in njegovi namestniki se imenujejo s tajnim glasovanjem v mednarodnem odboru. O njihovem imenovanju se uradno obvestijo vlade visokih pogodbenic.

Le directeur nommera les autres membres du personnel, dans les limites établies par le règlement mentionné au premier alinéa ci-dessus.

ART. 18 (1921)

Le directeur du Bureau n'aura accès au lieu de dépôt des prototypes internationaux qu'en vertu d'une résolution du Comité et en présence d'au moins un de ses membres.

Le lieu de dépôt des prototypes ne pourra s'ouvrir qu'au moyen de trois clefs, dont une sera en la possession du directeur des Archives de France, la seconde dans celle du président du Comité, et la troisième dans celle du directeur du Bureau.

Les étalons de la catégorie des prototypes nationaux serviront seuls aux travaux ordinaires de comparaisons du Bureau.

ART. 19 (1907)

Le directeur du Bureau adressera, à chaque session, au Comité:

- 1° Un rapport financier sur les comptes des exercices précédents, dont il lui sera, après vérification, donné décharge;
- 2° Un rapport sur l'état du matériel;
- 3° Un rapport général sur les travaux accomplis depuis la session précédente.

Le bureau du Comité international adressera, de son côté, à tous les Gouvernements des Hautes Parties contractantes, un Rapport annuel sur la situation administrative et financière du Service, et contenant la prévision des dépenses de l'exercice suivant, ainsi que le Tableau des parts contributives des États contractants.

Le président du Comité rendra compte, à la Conférence générale, des travaux accomplis depuis l'époque de sa dernière réunion.

Les rapports et les publications du Comité et du Bureau seront rédigés en langue française, et communiqués aux Gouvernements des Hautes Parties contractantes.

ART. 20 (1921)

1. L'échelle des contributions, dont il est question à l'article 9 de la Convention, est établie, pour la partie fixe, sur la base de la dotation indiquée par l'article 6 du présent Règlement, et sur celle de la population; la contribution normale de chaque État ne peut être inférieure à 5 pour 1 000, ni supérieure à 15 pour 100 de la dotation totale, quel que soit le chiffre de la population.

2. Pour établir cette échelle, on détermine d'abord quels sont les États qui se trouvent dans les conditions voulues pour ce minimum et ce maximum; et l'on répartit le reste de la somme contributive entre les autres États, en raison directe du chiffre de leur population.

3. Les parts contributives ainsi calculées sont valables pour toute la période de temps comprise entre deux Conférences générales consécutives, et ne peuvent être modifiées, dans l'intervalle, que dans les cas suivants:

- a. Si l'un des États adhérents a laissé passer trois années successives sans faire ses versements;
- b. Si, au contraire, un État, antérieurement retardataire de plus de trois ans, ayant versé ses contributions arriérées, il y [a] lieu de restituer aux autres Gouvernements les avances faites par eux.

4. La contribution complémentaire est calculée sur la même base de la population, et est égale à celle que les États anciennement entrés dans la Convention payent dans les mêmes conditions.

5. Si un État ayant adhéré à la Convention déclare en vouloir étendre le bénéfice à une ou plusieurs de ses Colonies non autonomes, le chiffre de la population desdites Colonies sera ajouté à celui de l'État pour le calcul de l'échelle des contributions.

Druge člane osebja imenuje direktor v skladu z omejitvami, določenimi v pravilniku iz prvega odstavka.

18. člen (1921)

Direktor urada ima dostop do prostora za hrambo mednarodnih prototipov le, če tako odloči odbor in če je prisoten vsaj eden od njegovih članov.

Prostor za hrambo prototipov se odklepa s tremi ključi, pri čemer ima enega direktor francoskega arhiva, drugega predsednik odbora, tretjega pa direktor urada.

Pri rednih primerjavah urada se lahko uporabljajo le etaloni v kategoriji nacionalnih prototipov.

19. člen (1907)

Direktor urada odboru na vsakem zasedanju predloži:

1. finančno poročilo prejšnjih poslovnih let; po pregledu se direktorju podeli razrešnica;
2. poročilo o stanju opreme;
3. splošno poročilo o opravljenem delu od prejšnjega zasedanja.

Urad mednarodnega odbora vsem vladam visokih pogodbenic predloži letno poročilo o upravnem in finančnem položaju urada, ki vsebuje napoved izdatkov v naslednjem poslovnem letu in razpredelnico prispevkov držav pogodbenic.

Predsednik odbora generalni konferenci poroča o delu, ki je bilo opravljeno od zadnjega zasedanja.

Poročila in publikacije odbora in urada se pripravijo v francoskem jeziku in se pošljejo vladam visokih pogodbenic.

20. člen (1921)

1. Lestvica prispevkov iz 9. člena konvencije se za fiksni del določi na podlagi dotacije, določene v 6. členu pravilnika, in na podlagi števila prebivalcev; običajni prispevek posamezne države ne sme biti manjši od 5/1000 ali večji od 15/100 celotne dotacije ne glede na število prebivalcev.

2. Za določitev lestvice se najprej določijo države, ki izpolnjujejo pogoje za najmanjši in najvišji znesek, nato pa se ostanek prispevne vsote razdeli med druge države neposredno glede na število prebivalcev.

3. Tako izračunani prispevki veljajo za celotno obdobje med zaporednima generalnima konferencama, v tem obdobju pa se lahko spremenijo le v teh primerih:

- a. če ena od držav pogodbenic tri leta zaporedoma ne plača svojih prispevkov;
- b. če država, ki je s plačilom zamujala več kot tri leta, poplača zapadle obveznosti in se drugim vladam povrnejo akontacije, ki so jih vplačale.

4. Dopolnilni prispevek se izračuna na podlagi števila prebivalcev in je enak prispevku, ki ga pod istimi pogoji plačujejo države, ki so predhodno pristopile h konvenciji.

5. Če želi država, ki je pristopila h konvenciji, razširiti privilegije na eno ali več svojih odvisnih kolonij, se za izračun lestvice prispevkov število prebivalcev teh kolonij prišteje k številu prebivalcev države.

6. Lorsqu'une Colonie reconnue autonome désirera adhérer à la Convention, elle sera considérée, en ce qui concerne son entrée dans cette Convention, suivant la décision de la Métropole, soit comme une dépendance de celle-ci, soit comme un État contractant.

ART. 21 (1875)

Les frais de confection des prototypes internationaux, ainsi que des étalons et témoins destinés à les accompagner, seront supportés par les Hautes Parties contractantes d'après l'échelle établie à l'article précédent.

Les frais de comparaison et de vérification des étalons demandés par des États qui ne participeraient pas à la présente Convention seront réglés par le Comité conformément aux taxes fixées en vertu de l'article 15 du Règlement.

ART. 22 (1875)

Le présent Règlement aura même force et valeur que la Convention à laquelle il est annexé.

6. Če želi h konvenciji pristopiti neodvisna kolonija, se pri pristopu k njej po sklepu matične države obravnava kot odvisna od te države ali kot samostojna država pogodbenica.

21. člen (1875)

Stroške izdelave mednarodnih prototipov ter etalonov in njihovih uradnih kopij, ki jih spremljajo, krijejo visoke pogodbenice glede na lestvico, določeno v prejšnjem členu.

Stroške primerjave in preverjanja etalonov, ki ju zahtevajo države, ki ne sodelujejo pri tej konvenciji, poravna odbor v skladu z dajatvami iz 15. člena pravilnika.

22. člen (1875)

Ta pravilnik, ki je priloga konvencije, ima enako moč in veljavo kot konvencija.

3. člen

Za izvajanje konvencije skrbi ministrstvo, pristojno za gospodarski razvoj in tehnologijo – Urad Republike Slovenije za meroslovje.

4. člen

Ta zakon začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 316-01/15-1/11
Ljubljana, dne 26. januarja 2016
EPA 309-VII

Državni zbor
Republike Slovenije
dr. Milan Brglez l.r.
Predsednik

9. Zakon o ratifikaciji Konvencije o delu v pomorstvu, 2006 (Konvencija MOD št. 186) (MKDP)

Na podlagi druge alineje prvega odstavka 107. člena in prvega odstavka 91. člena Ustave Republike Slovenije izdajam

U K A Z**o razglasitvi Zakona o ratifikaciji Konvencije o delu v pomorstvu, 2006 (Konvencija MOD št. 186) (MKDP)**

Razglašam Zakon o ratifikaciji Konvencije o delu v pomorstvu, 2006 (Konvencija MOD št. 186) (MKDP), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 26. januarja 2016.

Št. 003-02-1/2016-8
Ljubljana, dne 3. februarja 2016

Borut Pahor l.r.
Predsednik
Republike Slovenije

Z A K O N**O RATIFIKACIJI KONVENCIJE O DELU V POMORSTVU, 2006 (KONVENCIJA MOD ŠT. 186) (MKDP)**

1. člen

Ratificira se Konvencija o delu v pomorstvu, 2006 (Konvencija MOD št. 186), sprejeta v Ženevi 23. februarja 2006.

2. člen

Konvencija se v izvorniku v angleškem jeziku in v prevodu v slovenskem jeziku glasi:

MARITIME LABOUR CONVENTION, 2006**Preamble**

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Ninety-fourth Session on 7 February 2006, and

Desiring to create a single, coherent instrument embodying as far as possible all up-to-date standards of existing international maritime labour Conventions and Recommendations, as well as the fundamental principles to be found in other international labour Conventions, in particular:

- the Forced Labour Convention, 1930 (No. 29);
- the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);
- the Right to Organise and Collective Bargaining Convention, 1949 (No. 98);
- the Equal Remuneration Convention, 1951 (No. 100);
- the Abolition of Forced Labour Convention, 1957 (No. 105);
- the Discrimination (Employment and Occupation) Convention, 1958 (No. 111);
- the Minimum Age Convention, 1973 (No. 138);

– the Worst Forms of Child Labour Convention, 1999 (No. 182); and

Mindful of the core mandate of the Organization, which is to promote decent conditions of work, and

Recalling the ILO Declaration on Fundamental Principles and Rights at Work, 1998, and

Mindful also that seafarers are covered by the provisions of other ILO instruments and have other rights which are established as fundamental rights and freedoms applicable to all persons, and

KONVENCIJA O DELU V POMORSTVU, 2006**UVOD**

Generalna konferenca Mednarodne organizacije dela,

ki jo je v Ženevi sklical Administrativni svet Mednarodnega urada za delo in se je 7. februarja 2006 sestala na svojem štiriindevetdesetem zasedanju in

v želji po oblikovanju enotnega, skladnega akta, ki v največji mogoči meri vključuje vse sodobne standarde obstoječih mednarodnih konvencij in priporočil o delu v pomorstvu ter vsa temeljna načela, ki jih je mogoče najti v drugih mednarodnih konvencijah o delu, zlasti v:

- Konvenciji o prisilnem ali obveznem delu, 1930 (št. 29),
- Konvenciji o sindikalni svobodi in zaščiti sindikalnih pravic, 1948 (št. 87),
- Konvenciji o uporabi načel o pravicah organiziranja in kolektivnega dogovarjanja, 1949 (št. 98),
- Konvenciji o enakem nagrajevanju žensk in moških za enako delo, 1951 (št. 100),
- Konvenciji o odpravi prisilnega dela, 1957 (št. 105),

– Konvenciji o diskriminaciji pri zaposlovanju in poklicih, 1958 (št. 111),

– Konvenciji o minimalni starosti za sklenitev delovnega razmerja, 1973 (št. 138),

– Konvenciji o prepovedi najhujših oblik dela otrok in takojšnjem ukrepanju za njihovo odpravo, 1999 (št. 182), in ob upoštevanju temeljne naloge organizacije, ki je spodbujanje dostojnih delovnih pogojev, in

ob sklicevanju na Deklaracijo Mednarodne organizacije dela o temeljnih načelih in pravicah iz dela, 1998, in

ob upoštevanju tudi tega, da so pomorščaki zajeti v določbah drugih aktov Mednarodne organizacije dela ter imajo druge pravice, uveljavljene kot temeljne pravice in svoboščine, ki veljajo za vse ljudi, in

Considering that, given the global nature of the shipping industry, seafarers need special protection, and

Mindful also of the international standards on ship safety, human security and quality ship management in the International Convention for the Safety of Life at Sea, 1974, as amended, the Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended, and the seafarer training and competency requirements in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended, and

Recalling that the United Nations Convention on the Law of the Sea, 1982, sets out a general legal framework within which all activities in the oceans and seas must be carried out and is of strategic importance as the basis for national, regional and global action and cooperation in the marine sector, and that its integrity needs to be maintained, and

Recalling that Article 94 of the United Nations Convention on the Law of the Sea, 1982, establishes the duties and obligations of a flag State with regard to, inter alia, labour conditions, crewing and social matters on ships that fly its flag, and

Recalling paragraph 8 of article 19 of the Constitution of the International Labour Organisation which provides that in no case shall the adoption of any Convention or Recommendation by the Conference or the ratification of any Convention by any Member be deemed to affect any law, award, custom or agreement which ensures more favourable conditions to the workers concerned than those provided for in the Convention or Recommendation, and

Determined that this new instrument should be designed to secure the widest possible acceptability among governments, shipowners and seafarers committed to the principles of decent work, that it should be readily updateable and that it should lend itself to effective implementation and enforcement, and

Having decided upon the adoption of certain proposals for the realization of such an instrument, which is the only item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this twenty-third day of February of the year two thousand and six the following Convention, which may be cited as the Maritime Labour Convention, 2006.

GENERAL OBLIGATIONS

Article I

1. Each Member which ratifies this Convention undertakes to give complete effect to its provisions in the manner set out in Article VI in order to secure the right of all seafarers to decent employment.

2. Members shall cooperate with each other for the purpose of ensuring the effective implementation and enforcement of this Convention.

DEFINITIONS AND SCOPE OF APPLICATION

Article II

1. For the purpose of this Convention and unless provided otherwise in particular provisions, the term:

(a) *competent authority* means the minister, government department or other authority having power to issue and enforce regulations, orders or other instructions having the force of law in respect of the subject matter of the provision concerned;

(b) *declaration of maritime labour compliance* means the declaration referred to in Regulation 5.1.3;

glede na to, da potrebujejo pomorščaki posebno varstvo zaradi globalne narave pomorstva, in

ob upoštevanju mednarodnih standardov o varnosti ladij, varstvu ljudi in kakovostnem upravljanju ladij v Mednarodni konvenciji o varstvu človeškega življenja na morju, 1974, kot je bila spremenjena, Konvenciji o mednarodnih pravilih o izogibanju trčenja na morju, 1972, kot je bila spremenjena, ter zahtev po usposabljanju in pristojnosti pomorščakov v Mednarodni konvenciji o standardih za usposabljanje, izdajanje spričeval in ladijsko stražarjenje pomorščakov, 1978, kot je bila spremenjena, in

ob sklicevanju na to, da Konvencija Združenih narodov o pomorskem mednarodnem pravu, 1982, določa splošni pravni okvir, v katerem je treba izvajati vse dejavnosti na oceanih in morjih, in je strateško pomembna kot podlaga za državno, regionalno in svetovno delovanje in sodelovanje v pomorstvu ter da je treba ohranjati njeno celovitost, in

ob sklicevanju na to, da 94. člen Konvencije Združenih narodov o pomorskem mednarodnem pravu, 1982, določa naloge in obveznosti države zastave, med drugim glede delovnih pogojev, oblikovanja posadke in socialnih zadev na ladjah, ki plujejo pod njeno zastavo, in

ob sklicevanju na osmi odstavek 19. člena Ustave Mednarodne organizacije dela, ki določa, da če konferenca sprejme kakršno koli konvencijo ali priporočilo oziroma če katera koli članica ratificira kakršno koli konvencijo, to nikakor ne more vplivati na kateri koli zakon, odločitev, ustaljeno prakso ali sporazum, ki delavcem zagotavlja ugodnejše pogoje od predvidenih v konvenciji ali priporočilu, in

odločena, da mora biti nov akt oblikovan tako, da bo sprejemljiv za čim več vlad, ladjarjev in pomorščakov, zavezanih načelom dostojnega dela, in da ga je treba redno posodabljanje ter da mora biti primeren za učinkovito izvajanje in uveljavljanje, in

potem ko je sklenila, da sprejme določene predloge za uresničitev takega akta, ki je edina točka na dnevnem redu tega zasedanja, in

po odločitvi, da se ti predlogi oblikujejo kot mednarodna konvencija,

sprejme triindvajsetega februarja dva tisoč šest to konvencijo, ki se lahko imenuje Konvencija o delu v pomorstvu, 2006.

SPLOŠNE OBVEZNOSTI

I. člen

1. Vsaka članica, ki ratificira to konvencijo, se zavezuje, da bo v celoti uveljavljala njene določbe v skladu s VI. členom, da bi vsem pomorščakom zagotovila pravico do dostojne zaposlitve.

2. Članice med seboj sodelujejo zaradi zagotavljanja učinkovitega izvajanja in uveljavljanja te konvencije.

OPREDELITEV POJMOV IN PODROČJE UPORABE

II. člen

1. V tej konvenciji, in če ni drugače določeno v posameznih določbah, izraz:

(a) *pristojni organ* pomeni ministra, državni organ ali drug organ, pooblaščen za izdajanje in izvajanje predpisov, odredb ali drugih navodil, ki so zavezujoča na področju, ki ga ureja določba;

(b) *izjava o skladnosti dela v pomorstvu* pomeni izjavo iz pravila 5.1.3;

(c) *gross tonnage* means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I to the International Convention on Tonnage Measurement of Ships, 1969, or any successor Convention; for ships covered by the tonnage measurement interim scheme adopted by the International Maritime Organization, the gross tonnage is that which is included in the REMARKS column of the International Tonnage Certificate (1969);

(d) *maritime labour certificate* means the certificate referred to in Regulation 5.1.3;

(e) *requirements of this Convention* refers to the requirements in these Articles and in the Regulations and Part A of the Code of this Convention;

(f) *seafarer* means any person who is employed or engaged or works in any capacity on board a ship to which this Convention applies;

(g) *seafarers' employment agreement* includes both a contract of employment and articles of agreement;

(h) *seafarer recruitment and placement service* means any person, company, institution, agency or other organization, in the public or the private sector, which is engaged in recruiting seafarers on behalf of shipowners or placing seafarers with shipowners;

(i) *ship* means a ship other than one which navigates exclusively in inland waters or waters within, or closely adjacent to, sheltered waters or areas where port regulations apply;

(j) *shipowner* means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with this Convention, regardless of whether any other organization or persons fulfil certain of the duties or responsibilities on behalf of the shipowner.

2. Except as expressly provided otherwise, this Convention applies to all seafarers.

3. In the event of doubt as to whether any categories of persons are to be regarded as seafarers for the purpose of this Convention, the question shall be determined by the competent authority in each Member after consultation with the shipowners' and seafarers' organizations concerned with this question.

4. Except as expressly provided otherwise, this Convention applies to all ships, whether publicly or privately owned, ordinarily engaged in commercial activities, other than ships engaged in fishing or in similar pursuits and ships of traditional build such as dhows and junks. This Convention does not apply to warships or naval auxiliaries.

5. In the event of doubt as to whether this Convention applies to a ship or particular category of ships, the question shall be determined by the competent authority in each Member after consultation with the shipowners' and seafarers' organizations concerned.

6. Where the competent authority determines that it would not be reasonable or practicable at the present time to apply certain details of the Code referred to in Article VI, paragraph 1, to a ship or particular categories of ships flying the flag of the Member, the relevant provisions of the Code shall not apply to the extent that the subject matter is dealt with differently by national laws or regulations or collective bargaining agreements or other measures. Such a determination may only be made in consultation with the shipowners' and seafarers' organizations concerned and may only be made with respect to ships of less than 200 gross tonnage not engaged in international voyages.

7. Any determinations made by a Member under paragraph 3 or 5 or 6 of this Article shall be communicated to the Director-General of the International Labour Office, who shall notify the Members of the Organization.

(c) *bruto tonaža* pomeni bruto tonažo, izračunano v skladu s predpisi o določitvi tonaže iz priloge I k Mednarodni konvenciji o izmeritvi ladij, 1969, ali katere koli konvencije, ki jo nadomesti; za ladje, za katere se uporablja začasni sistem določitve tonaže, ki ga je sprejela Mednarodna pomorska organizacija, je bruto tonaža tista, ki je vpisana v stolpcu OPOMBE Mednarodnega spričevala o tonaži (1969);

(d) *spričevalo o delu v pomorstvu* pomeni spričevalo iz pravila 5.1.3;

(e) *zahteve te konvencije* se nanašajo na zahteve v teh členih, pravilih in delu A kodeksa te konvencije;

(f) *pomorščak* pomeni osebo, ki je zaposlena, najeta ali dela v kakršni koli vlogi na ladji, za katero se uporablja ta konvencija;

(g) *pogodba o zaposlitvi pomorščakov* se nanaša tako na pogodbo o zaposlitvi kot tudi na drugo obliko pogodbe o opravljanju dela pomorščakov;

(h) *služba za zaposlovanje in nameščanje pomorščakov* pomeni katero koli osebo, družbo, ustanovo, agencijo ali drugo organizacijo v javnem ali zasebnem sektorju, ki se ukvarja z zaposlovanjem pomorščakov v imenu ladjarjev ali z nameščanjem pomorščakov pri ladjarjih;

(i) *ladja* pomeni ladjo, ki ne pluje izključno v celinskih vodah, obalnih vodah ali v njihovi neposredni bližini oziroma na območjih, na katerih veljajo pristaniški predpisi;

(j) *ladjar* pomeni lastnika ladje ali drugo organizacijo ali osebo, kot je upravitelj, pooblaščenec ali zakupnik, ki je prevzel odgovornost za obratovanje ladje od lastnika in se je ob prevzemu te odgovornosti strinjal, da prevzame naloge in odgovornosti, ki so ladjarjem naložene s to konvencijo, ne glede na to, ali v imenu ladjarja nekatere naloge ali odgovornosti izpolnjuje katera druga organizacija ali oseba.

2. Če ni izrecno določeno drugače, se ta konvencija uporablja za vse pomorščake.

3. Če obstaja dvom, ali naj se določene kategorije oseb obravnavajo kot pomorščaki za namen te konvencije, o tem odloči pristojni organ posamezne članice po posvetovanju z organizacijami ladjarjev in pomorščakov, ki jih zadeva to vprašanje.

4. Če ni izrecno določeno drugače, se ta konvencija uporablja za vse ladje v javni ali zasebni lasti, ki se običajno uporabljajo za gospodarske dejavnosti, razen za ladje, ki se uporabljajo za ribolov ali podobne dejavnosti, ter tradicionalno grajene ladje, kot so arabski jadrnice (dhow) in džunke. Ta konvencija se ne uporablja za vojaške ladje ali vojaške pomožne ladje.

5. Če obstaja dvom, ali se ta konvencija uporablja za določeno ladjo oziroma kategorijo ladij, o tem odloči pristojni organ posamezne članice po posvetovanju z zadevnimi organizacijami ladjarjev in pomorščakov.

6. Če pristojni organ odloči, da za določeno ladjo ali kategorije ladij pod zastavo članice trenutno ne bi bilo razumno ali izvedljivo uporabljati določenih podrobnosti kodeksa, navedenega v prvem odstavku VI. člena, se ustrezne določbe kodeksa ne uporabljajo v obsegu, v katerem se zadeva ureja drugače z notranjimi zakoni ali drugimi predpisi, kolektivnimi pogodbami ali drugimi ukrepi. Tako odločitev je mogoče sprejeti le ob posvetovanju z zadevnimi organizacijami ladjarjev in pomorščakov ter le za ladje z manj kot 200 bruto tonaže, ki ne opravljajo mednarodnih potovanj.

7. Vsako odločitev, ki jo sprejme članica v skladu s tretjim, petim ali šestim odstavkom tega člena, je treba sporočiti generalnemu direktorju Mednarodnega urada za delo, ki obvesti članice organizacije.

8. Unless expressly provided otherwise, a reference to this Convention constitutes at the same time a reference to the Regulations and the Code.

FUNDAMENTAL RIGHTS AND PRINCIPLES

Article III

Each Member shall satisfy itself that the provisions of its law and regulations respect, in the context of this Convention, the fundamental rights to:

- (a) freedom of association and the effective recognition of the right to collective bargaining;
- (b) the elimination of all forms of forced or compulsory labour;
- (c) the effective abolition of child labour; and
- (d) the elimination of discrimination in respect of employment and occupation.

SEAFARERS' EMPLOYMENT AND SOCIAL RIGHTS

Article IV

1. Every seafarer has the right to a safe and secure workplace that complies with safety standards.
2. Every seafarer has a right to fair terms of employment.
3. Every seafarer has a right to decent working and living conditions on board ship.
4. Every seafarer has a right to health protection, medical care, welfare measures and other forms of social protection.
5. Each Member shall ensure, within the limits of its jurisdiction, that the seafarers' employment and social rights set out in the preceding paragraphs of this Article are fully implemented in accordance with the requirements of this Convention. Unless specified otherwise in the Convention, such implementation may be achieved through national laws or regulations, through applicable collective bargaining agreements or through other measures or in practice.

IMPLEMENTATION AND ENFORCEMENT RESPONSIBILITIES

Article V

1. Each Member shall implement and enforce laws or regulations or other measures that it has adopted to fulfil its commitments under this Convention with respect to ships and seafarers under its jurisdiction.
2. Each Member shall effectively exercise its jurisdiction and control over ships that fly its flag by establishing a system for ensuring compliance with the requirements of this Convention, including regular inspections, reporting, monitoring and legal proceedings under the applicable laws.
3. Each Member shall ensure that ships that fly its flag carry a maritime labour certificate and a declaration of maritime labour compliance as required by this Convention.
4. A ship to which this Convention applies may, in accordance with international law, be inspected by a Member other than the flag State, when the ship is in one of its ports, to determine whether the ship is in compliance with the requirements of this Convention.
5. Each Member shall effectively exercise its jurisdiction and control over seafarer recruitment and placement services, if these are established in its territory.
6. Each Member shall prohibit violations of the requirements of this Convention and shall, in accordance with international law, establish sanctions or require the adoption of corrective measures under its laws which are adequate to discourage such violations.

8. Če ni izrecno določeno drugače, sklicevanje na to konvencijo hkrati pomeni tudi sklicevanje na pravila in kodeks.

TEMELJNE PRAVICE IN NAČELA

III. člen

Vsaka članica zagotovi, da določbe njenih zakonov in drugih predpisov v smislu te konvencije spoštujejo temeljne pravice do:

- (a) svobode združevanja in dejanskega priznanja pravice do kolektivnega dogovarjanja;
- (b) odprave vseh oblik prisilnega ali obveznega dela;
- (c) dejanske odprave dela otrok in
- (d) odprave diskriminacije glede zaposlovanja in poklicev.

PRAVICE V ZVEZI Z ZAPOSILITVIJO IN SOCIALNE PRAVICE POMORŠČAKOV

IV. člen

1. Vsak pomorščak ima pravico do varnega delovnega mesta, ki ustreza varnostnim standardom.
2. Vsak pomorščak ima pravico do pravičnih pogojev zaposlitve.
3. Vsak pomorščak ima pravico do dostojnih delovnih pogojev in življenjskih razmer na ladji.
4. Vsak pomorščak ima pravico do varovanja zdravja, zdravstvene oskrbe, ukrepov za dobro počutje in drugih oblik socialne varnosti.
5. Vsaka članica v okviru omejitev svojih pristojnosti zagotovi, da se pravice iz zaposlitve in socialne pravice pomorščakov iz prejšnjih odstavkov tega člena v celoti uresničijo v skladu z zahtevami te konvencije. Če ni v konvenciji določeno drugače, je tako izvajanje mogoče doseči z notranjimi zakoni ali drugimi predpisi, veljavnimi kolektivnimi pogodbami ali drugimi ukrepi ali prakso.

ODGOVORNOST ZA IZVAJANJE IN UVELJAVLJANJE

V. člen

1. Vsaka članica izvaja in uveljavlja zakone ali druge predpise oziroma druge ukrepe, ki jih je sprejela, da izpolni svoje obveznosti iz konvencije glede ladij in pomorščakov pod njeno pristojnostjo.
2. Vsaka članica učinkovito uresničuje svojo pristojnost in nadzor nad ladjami, ki plujejo pod njeno zastavo, tako da vzpostavi primeren sistem zagotovitve spoštovanja zahtev te konvencije, vključno z rednimi nadzori, poročanjem, spremljanjem in pravnimi postopki v skladu z veljavno zakonodajo.
3. Vsaka članica zagotovi, da imajo ladje, ki plujejo pod njeno zastavo, spričevalo o delu v pomorstvu in izjavo o skladnosti dela v pomorstvu, kot ju zahteva ta konvencija.
4. Nad ladjo, za katero se uporablja ta konvencija, lahko v skladu z mednarodnim pravom opravi nadzor članica, ki ni država zastave, kadar je ladja v enem od njenih pristanišč, da bi ugotovila, ali ladja izpolnjuje zahteve te konvencije.
5. Vsaka članica učinkovito izvaja svojo pristojnost in nadzor nad službami za zaposlovanje in nameščanje pomorščakov, če so ustanovljene na njenem ozemlju.
6. Vsaka članica prepove kršitve zahtev te konvencije in mora v skladu z mednarodnim pravom določiti kazni ali na podlagi svoje zakonodaje zahtevati sprejetje popravnih ukrepov, primernih za preprečitev takih kršitev.

7. Each Member shall implement its responsibilities under this Convention in such a way as to ensure that the ships that fly the flag of any State that has not ratified this Convention do not receive more favourable treatment than the ships that fly the flag of any State that has ratified it.

REGULATIONS AND PARTS A AND B OF THE CODE

Article VI

1. The Regulations and the provisions of Part A of the Code are mandatory. The provisions of Part B of the Code are not mandatory.

2. Each Member undertakes to respect the rights and principles set out in the Regulations and to implement each Regulation in the manner set out in the corresponding provisions of Part A of the Code. In addition, the Member shall give due consideration to implementing its responsibilities in the manner provided for in Part B of the Code.

3. A Member which is not in a position to implement the rights and principles in the manner set out in Part A of the Code may, unless expressly provided otherwise in this Convention, implement Part A through provisions in its laws and regulations or other measures which are substantially equivalent to the provisions of Part A.

4. For the sole purpose of paragraph 3 of this Article, any law, regulation, collective agreement or other implementing measure shall be considered to be substantially equivalent, in the context of this Convention, if the Member satisfies itself that:

(a) it is conducive to the full achievement of the general object and purpose of the provision or provisions of Part A of the Code concerned; and

(b) it gives effect to the provision or provisions of Part A of the Code concerned.

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.

ENTRY INTO FORCE

Article VIII

1. The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

2. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered by the Director-General.

3. This Convention shall come into force 12 months after the date on which there have been registered ratifications by at least 30 Members with a total share in the world gross tonnage of ships of at least 33 per cent.

4. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

DENUNCIATION

Article IX

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

7. Vsaka članica uresničuje svoje odgovornosti po tej konvenciji tako, da zagotovi, da ladje, ki plujejo pod zastavo države, ki ni ratificirala te konvencije, niso ugodneje obravnavane kot ladje, ki plujejo pod zastavo države, ki jo je ratificirala.

PRAVILA TER DELA A IN B KODEKSA

VI. člen

1. Pravila in določbe dela A kodeksa so zavezujoči. Določbe dela B kodeksa niso zavezujoče.

2. Vsaka članica se zavezuje, da bo spoštovala pravice in načela, določena v pravilih, ter vsako pravilo izvajala tako, kot je določeno v ustreznih določbah dela A kodeksa. Poleg tega mora članica nameniti ustrezno pozornost uresničevanju svojih obveznosti tako, kot je določeno v delu B kodeksa.

3. Članica, ki pravic in načel ne more uresničevati tako, kot je določeno v delu A kodeksa, lahko, če ni v tej konvenciji izrecno določeno drugače, izvaja del A po določbah svojih zakonov in drugih predpisov ali z drugimi ukrepi, ki so dejansko enakovredni določbam dela A.

4. Samo za namen tretjega odstavka tega člena velja, da je vsak zakon, drug predpis, kolektivna pogodba ali drug izvedbeni ukrep dejansko enakovreden v smislu te konvencije, če je članica prepričana, da:

(a) vodi k celovitemu doseganju splošnega cilja in name-na določbe ali določb dela A kodeksa in

(b) uveljavlja določbo ali določbe dela A kodeksa.

POSVETOVANJE Z ORGANIZACIJAMI LADJARJEV IN POMORŠČAKOV

VII. člen

O vsakem odstopanju, izjemi ali drugi prožni uporabi te konvencije, za katero zahteva konvencija posvetovanje z organizacijami ladjarjev in pomorščakov, lahko članica odloča le po posvetovanju z odborom, navedenim v XIII. členu, kadar v njej ni reprezentativnih organizacij ladjarjev ali pomorščakov.

ZAČETEK VELJAVNOSTI

VIII. člen

1. Listine o ratifikaciji te konvencije se pošljejo v registracijo generalnemu direktorju Mednarodnega urada za delo.

2. Ta konvencija zavezuje samo tiste članice Mednarodne organizacije dela, katerih ratifikacije so registrirane pri generalnem direktorju.

3. Ta konvencija začne veljati dvanajst mesecev po dnevu, ko so bile registrirane ratifikacije vsaj 30 članic s 33-odstotnim skupnim deležem svetovne bruto tonaže ladij.

4. Potem začne ta konvencija veljati za vsako članico dvanajst mesecev po dnevu registracije njene ratifikacije.

ODPOVED

IX. člen

1. Članica, ki je ratificirala to konvencijo, jo lahko odpove po poteku desetih let po dnevu, ko je prvič začela veljati, z aktom, ki ga pošlje v registracijo generalnemu direktorju Mednarodnega urada za delo. Odpoved začne veljati šele po enem letu po dnevu registracije.

2. Each Member which does not, within the year following the expiration of the period of ten years mentioned in paragraph 1 of this Article, exercise the right of denunciation provided for in this Article, shall be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each new period of ten years under the terms provided for in this Article.

EFFECT OF ENTRY INTO FORCE

Article X

This Convention revises the following Conventions:
Minimum Age (Sea) Convention, 1920 (No. 7)

- Unemployment Indemnity (Shipwreck) Convention, 1920 (No. 8)
Placing of Seamen Convention, 1920 (No. 9)
Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16)
Seamen's Articles of Agreement Convention, 1926 (No. 22)
Repatriation of Seamen Convention, 1926 (No. 23)
Officers' Competency Certificates Convention, 1936 (No. 53)

Holidays with Pay (Sea) Convention, 1936 (No. 54)

Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 (No. 55)
Sickness Insurance (Sea) Convention, 1936 (No. 56)

Hours of Work and Manning (Sea) Convention, 1936 (No. 57)
Minimum Age (Sea) Convention (Revised), 1936 (No. 58)

Food and Catering (Ships' Crews) Convention, 1946 (No. 68)
Certification of Ships' Cooks Convention, 1946 (No. 69)

Social Security (Seafarers) Convention, 1946 (No. 70)
Paid Vacations (Seafarers) Convention, 1946 (No. 72)

Medical Examination (Seafarers) Convention, 1946 (No. 73)
Certification of Able Seamen Convention, 1946 (No. 74)

Accommodation of Crews Convention, 1946 (No. 75)
Wages, Hours of Work and Manning (Sea) Convention, 1946 (No. 76)
Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91)
Accommodation of Crews Convention (Revised), 1949 (No. 92)
Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949 (No. 93)
Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109)
Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133)
Prevention of Accidents (Seafarers) Convention, 1970 (No. 134)
Continuity of Employment (Seafarers) Convention, 1976 (No. 145)
Seafarers' Annual Leave with Pay Convention, 1976 (No. 146)
Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)
Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)
Seafarers' Welfare Convention, 1987 (No. 163)

2. Vsaka članica, ki je ratificirala to konvencijo in v enem letu po poteku desetletnega obdobja iz prvega odstavka tega člena ne uveljavi pravice do odpovedi po tem členu, ostane zavezana za nadaljnje desetletno obdobje, potem pa jo lahko pod pogoji iz tega člena odpove po poteku vsakega novega desetletnega obdobja.

UČINEK ZAČETKA VELJAVNOSTI

X. člen

- Konvencija revidira te konvencije:
Konvencijo o minimalni starosti zaposlenih na ladjah, 1920 (št. 7),
Konvencijo o nadomestilu za brezposelnost v primeru izgube službe zaradi brodoloma, 1920 (št. 8),
Konvencijo o namestitvi mornarjev, 1920 (št. 9),
Konvencijo o zdravniških pregledih otrok in mladine, zaposlenih na ladjah, 1921 (št. 16),
Konvencijo o mornarjih, 1926 (št. 22),
Konvencijo o repatriaciji mornarjev, 1926 (št. 23),
Konvencijo o minimalni strokovni usposobljenosti poveljnikov in oficirjev trgovske mornarice, 1936 (št. 53),
Konvencijo o plačanem letnem dopustu mornarjev, 1936 (št. 54),
Konvencijo o odgovornosti ladjarjev za bolne, poškodovane ali umrle mornarje, 1936 (št. 55),
Konvencijo o zdravstvenem zavarovanju pomorščakov, 1936 (št. 56),
Konvencijo o delovnem času in številu članov posadke na ladji, 1936 (št. 57),
Konvencijo o minimalni starosti zaposlenih na ladjah (spremenjeno), 1936 (št. 58),
Konvencijo o prehrani in oskrbi ladijskih posadk, 1946 (št. 68),
Konvencijo o diplomi in strokovni usposobljenosti ladijskih kuharjev, 1946 (št. 69),
Konvencijo o socialni varnosti pomorščakov, 1946 (št. 70),
Konvencijo o plačanem dopustu pomorščakov, 1946 (št. 72),
Konvencijo o zdravstvenih pregledih mornarjev, 1946 (št. 73),
Konvencijo o kvalifikacijskih sposobnostih mornarjev, 1946 (št. 74),
Konvencijo o nastanitvi posadke na ladji, 1946 (št. 75),
Konvencijo o plačah, delovnem času in številu članov posadke na ladji, 1946 (št. 76),
Konvencijo o plačanem dopustu pomorščakov (spremenjeno), 1949 (št. 91),
Konvencijo o nastanitvi posadke na ladji (spremenjeno), 1949 (št. 92),
Konvencijo o plačah, delovnem času in številu članov posadke na ladji (spremenjeno), 1949 (št. 93),
Konvencijo o plačah, delovnem času in številčnem stanju posadke na ladjah (spremenjeno), 1958 (št. 109),
Konvencijo o nastanitvi posadke na ladji (dodatne določbe), 1970 (št. 133),
Konvencijo o preprečevanju nezgod pomorščakov, 1970 (št. 134),
Konvencijo o stalnosti zaposlitve pomorščakov, 1976 (št. 145),
Konvencijo o plačanem letnem dopustu pomorščakov, 1976 (št. 146),
Konvencijo o minimalnih normativih v trgovski mornarici, 1976 (št. 147),
Protokol iz leta 1996 h Konvenciji o minimalnih normativih v trgovski mornarici, 1976 (št. 147),
Konvencijo o dobrem počutju pomorščakov, 1987 (št. 163),

Health Protection and Medical Care (Seafarers) Convention, 1987 (No. 164)
 Social Security (Seafarers) Convention (Revised), 1987 (No. 165)
 Repatriation of Seafarers Convention (Revised), 1987 (No. 166)
 Labour Inspection (Seafarers) Convention, 1996 (No. 178)
 Recruitment and Placement of Seafarers Convention, 1996 (No. 179)
 Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180).

Konvencijo o varovanju zdravja in zdravstveni oskrbi pomorščakov, 1987 (št. 164),
 Konvencijo o socialni varnosti pomorščakov (spremenjeno), 1987 (št. 165),
 Konvencijo o repatriaciji pomorščakov (spremenjeno), 1987 (št. 166),
 Konvencijo o inšpekciji delovnih in življenjskih razmer pomorščakov na ladji, 1996 (št. 178),
 Konvencijo o zaposlovanju in namestitvi pomorščakov, 1996 (št. 179),
 Konvencijo o delovnem času pomorščakov in številu članov posadke na ladji, 1996 (št. 180).

DEPOSITARY FUNCTIONS

Article XI

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications, acceptances and denunciations under this Convention.

2. When the conditions provided for in paragraph 3 of Article VIII have been fulfilled, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article XII

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, acceptances and denunciations registered under this Convention.

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.

AMENDMENT OF THIS CONVENTION

Article XIV

1. Amendments to any of the provisions of this Convention may be adopted by the General Conference of the International Labour Organization in the framework of article 19 of the Constitution of the International Labour Organisation and the rules and procedures of the Organization for the adoption of Conventions. Amendments to the Code may also be adopted following the procedures in Article XV.

DOLŽNOST DEPOZITARJA

XI. člen

1. Generalni direktor Mednarodnega urada za delo uradno obvesti vse članice Mednarodne organizacije dela o registraciji vseh ratifikacij, sprejetij in odpovedi po tej konvenciji.

2. Ko so izpolnjeni pogoji iz tretjega odstavka VIII. člena, generalni direktor opozori članice organizacije na datum, ko bo konvencija začela veljati.

XII. člen

V skladu s 102. členom Ustanovne listine Združenih narodov generalni direktor Mednarodnega urada za delo sporoči generalnemu sekretarju Združenih narodov zaradi registracije vse podatke o vseh ratifikacijah, sprejetjih in odpovedih, ki jih je registriral po tej konvenciji.

POSEBNI TRIPARTITNI ODBOR

XIII. člen

1. Administrativni svet Mednarodnega urada za delo ves čas spremlja izvajanje te konvencije prek odbora, ki ga je ustanovil, posebej pristojnega za delo v pomorstvu.

2. Za obravnavanje zadev iz te konvencije odbor sestavljajo po dva predstavnika, ki ju je imenovala vlada vsake članice, ki je ratificirala to konvencijo, ter predstavniki ladjarjev in pomorščakov, ki jih je imenoval Administrativni svet po posvetovanju s Skupno pomorsko komisijo.

3. Vladni predstavniki članic, ki te konvencije še niso ratificirale, lahko sodelujejo v odboru, vendar nimajo pravice glasovati o obravnavanih zadevah iz konvencije. Administrativni svet lahko povabi druge organizacije ali subjekte, ki jih v odboru zastopajo opazovalci.

4. Glasovi vseh predstavnikov ladjarjev in pomorščakov v odboru se razporedijo tako, da se zagotovi, da imata skupini ladjarjev in pomorščakov polovico glasovalnih pravic skupnega števila vlad, zastopanih na zasedanju in upravičenih do glasovanja.

SPREMEMBA TE KONVENCIJE

XIV. člen

1. Spremembe katere koli določbe te konvencije lahko sprejme Generalna konferenca Mednarodne organizacije dela v skladu z 19. členom Ustave Mednarodne organizacije dela ter pravili in postopki organizacije za sprejemanje konvencij. Spremembe kodeksa je mogoče sprejeti tudi po postopkih iz XV. člena.

2. In the case of Members whose ratifications of this Convention were registered before the adoption of the amendment, the text of the amendment shall be communicated to them for ratification.

3. In the case of other Members of the Organization, the text of the Convention as amended shall be communicated to them for ratification in accordance with article 19 of the Constitution.

4. An amendment shall be deemed to have been accepted on the date when there have been registered ratifications, of the amendment or of the Convention as amended, as the case may be, by at least 30 Members with a total share in the world gross tonnage of ships of at least 33 per cent.

5. An amendment adopted in the framework of article 19 of the Constitution shall be binding only upon those Members of the Organization whose ratifications have been registered by the Director-General of the International Labour Office.

6. For any Member referred to in paragraph 2 of this Article, an amendment shall come into force 12 months after the date of acceptance referred to in paragraph 4 of this Article or 12 months after the date on which its ratification of the amendment has been registered, whichever date is later.

7. Subject to paragraph 9 of this Article, for Members referred to in paragraph 3 of this Article, the Convention as amended shall come into force 12 months after the date of acceptance referred to in paragraph 4 of this Article or 12 months after the date on which their ratifications of the Convention have been registered, whichever date is later.

8. For those Members whose ratification of this Convention was registered before the adoption of an amendment but which have not ratified the amendment, this Convention shall remain in force without the amendment concerned.

9. Any Member whose ratification of this Convention is registered after the adoption of the amendment but before the date referred to in paragraph 4 of this Article may, in a declaration accompanying the instrument of ratification, specify that its ratification relates to the Convention without the amendment concerned. In the case of a ratification with such a declaration, the Convention shall come into force for the Member concerned 12 months after the date on which the ratification was registered. Where an instrument of ratification is not accompanied by such a declaration, or where the ratification is registered on or after the date referred to in paragraph 4, the Convention shall come into force for the Member concerned 12 months after the date on which the ratification was registered and, upon its entry into force in accordance with paragraph 7 of this Article, the amendment shall be binding on the Member concerned unless the amendment provides otherwise.

2. Članicam, katerih ratifikacije te konvencije so bile registrirane pred sprejemom spremembe, se pošlje besedilo spremembe v ratifikacijo.

3. Drugim članicam organizacije se spremenjeno besedilo konvencije pošlje v ratifikacijo v skladu z 19. členom ustave.

4. Sprememba se šteje za sprejeto z dnem, ko vsaj 30 članic, ki imajo vsaj 33-odstotni skupni delež svetovne bruto tonaže ladij, registrira ratifikacijo te spremembe ali spremenjene konvencije, odvisno od primera.

5. Sprememba, sprejeta v skladu z 19. členom ustave, zavezuje le tiste članice organizacije, katerih ratifikacije so registrirane pri generalnem direktorju Mednarodnega urada za delo.

6. Za vsako članico iz drugega odstavka tega člena začne sprememba veljati 12 mesecev po dnevu sprejetja iz četrtega odstavka tega člena oziroma 12 mesecev po dnevu registracije ratifikacije spremembe, kar je poznejše.

7. Z izjemo devetega odstavka tega člena začne za članice iz tretjega odstavka tega člena spremenjena konvencija veljati 12 mesecev po dnevu sprejetja iz četrtega odstavka tega člena oziroma 12 mesecev po dnevu registracije njihovih ratifikacij konvencije, kar je poznejše.

8. Za tiste članice, katerih ratifikacija te konvencije je bila registrirana pred sprejemom spremembe, ki pa spremembe še niso ratificirale, ostane ta konvencija veljavna brez te spremembe.

9. Vsaka članica, katere ratifikacija te konvencije je bila registrirana po sprejemu spremembe, vendar pred datumom iz četrtega odstavka tega člena, lahko v izjavi, priloženi listini o ratifikaciji, opredeli, da se njena ratifikacija nanaša na konvencijo brez te spremembe. Pri ratifikaciji s tako izjavo začne konvencija veljati za to članico 12 mesecev po dnevu registracije ratifikacije. Kadar listini o ratifikaciji taka izjava ni priložena oziroma kadar je ratifikacija registrirana na datum iz četrtega odstavka ali po njem, začne konvencija za to članico veljati 12 mesecev po dnevu registracije ratifikacije in po začetku njene veljavnosti v skladu s sedmim odstavkom tega člena sprememba to članico zavezuje, razen če sprememba ne določa drugače.

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.

SPREMEMBE KODEKSA

XV. člen

1. Kodeks je mogoče spremeniti s postopkom, določenim v XIV. členu, ali v skladu s postopkom, določenim v tem členu, če ni izrecno določeno drugače.

2. Spremembo kodeksa lahko generalnemu direktorju Mednarodnega urada za delo predlaga vlada katere koli članice organizacije ali skupina predstavnikov ladjarjev oziroma skupina predstavnikov pomorščakov, ki jih je imenoval odbor iz XIII. člena. Spremembo, ki jo je predlagala vlada, mora predlagati ali podpreti vsaj pet vlad članic, ki so ratificirale konvencijo, ali skupina predstavnikov ladjarjev oziroma pomorščakov iz tega odstavka.

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.

3. Po preveritvi, ali predlog za spremembo izpolnjuje zahteve iz drugega odstavka tega člena, generalni direktor nemudoma pošlje predlog s primernimi komentarji ali pobudami vsem članicam organizacije skupaj s povabilom članicam, naj sporočijo svoje ugotovitve ali pobude glede predloga v šestih mesecih oziroma v drugem obdobju, ki ga določi Administrativni svet (ki ne sme biti krajše od treh oziroma daljše od devetih mesecev).

4. Po poteku obdobja iz tretjega odstavka tega člena se predlog s povzetkom ugotovitev ali pobud v skladu z omenjenim odstavkom pošlje odboru, da ga obravnava na sestanku. Šteje se, da je odbor spremembo sprejel, če:

(a) je na sestanku, na katerem se predlog obravnava, zastopana vsaj polovica vlad članic, ki so to konvencijo ratificirale, in

(b) vsaj dvotretjinska večina članov odbora glasuje za spremembo in

(c) ta večina zajema glasove vsaj polovice glasovalnih pravic vlad, polovice glasovalnih pravic ladjarjev in polovice glasovalnih pravic pomorščakov, ki so registrirani člani odbora na sestanku, na katerem se glasuje o predlogu.

5. Spremembe, sprejete v skladu s četrtnim odstavkom tega člena, se predložijo v odobritev na naslednjem zasedanju konference. Za tako odobritev je potrebna dvotretjinska večina glasov navzočih delegatov. Če se taka večina ne doseže, se predlagana sprememba vrne odboru v ponovno obravnavo, če odbor tako želi.

6. Spremembe, ki jih je konferenca odobrila, generalni direktor pošlje vsem članicam, katerih ratifikacije te konvencije so bile registrirane pred dnevom, ko jih je konferenca odobrila. Te članice se v nadaljevanju imenujejo "članice, ki so ratificirale konvencijo". Uradno obvestilo se sklicuje na ta člen in določa obdobje za predložitev kakršnega koli uradnega nesoglasja. To obdobje traja dve leti od dneva obvestila, če ni konferenca ob odobritvi določila drugačnega obdobja, ki mora trajati vsaj eno leto. Izvod obvestila se pošlje v seznanitev drugim članicam organizacije.

7. Sprememba, ki jo je odobrila konferenca, se šteje za sprejeto, če generalni direktor do konca določenega obdobja ne prejme uradnih izrazov nesoglasja od več kot 40 odstotkov članic, ki so ratificirale konvencijo in predstavljajo najmanj 40 odstotkov bruto tonaže ladij članic, ki so ratificirale konvencijo.

8. Sprememba, ki se šteje za sprejeto, začne veljati šest mesecev po koncu določenega obdobja za vse članice, ki so ratificirale konvencijo, razen za tiste, ki so uradno izrazile svoje nesoglasje v skladu s sedmim odstavkom tega člena in tega nesoglasja niso umaknile v skladu z enajstim odstavkom.

Vendar pa:

(a) lahko vsaka članica, ki je ratificirala konvencijo, pred koncem določenega obdobja obvesti generalnega direktorja, da bo sprememba zanjo zavezujoča šele po izrecnem obvestilu o njenem sprejetju, in

(b) lahko vsaka članica, ki je ratificirala konvencijo, pred dnevom začetka veljavnosti spremembe obvesti generalnega direktorja, da te spremembe določeno obdobje ne bo uporabljala.

9. Sprememba, navedena v obvestilu iz točke a osmega odstavka tega člena, začne za članico, ki pošlje tako obvestilo, veljati šest mesecev po dnevnu, ko je ta članica generalnega direktorja obvestila, da sprejema spremembo, oziroma z dnem, ko sprememba prvič začne veljati, kar je poznejše.

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:

(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.

10. Obdobje iz točke a osmega odstavka tega člena ne sme preseči enega leta od dneva začetka veljavnosti spremembe oziroma katerega koli daljšega obdobja, ki ga je določila konferenca, ko je odobrila spremembo.

11. Članica, ki je uradno izrazila nesoglasje k spremembi, lahko svoje nesoglasje kadar koli umakne. Če generalni direktor prejme tako obvestilo o umiku, potem ko je sprememba začela veljati, začne sprememba za članico veljati šest mesecev po datumu registracije obvestila.

12. Po začetku veljavnosti spremembe je konvencijo mogoče ratificirati le v njeni spremenjeni obliki.

13. V obsegu, v katerem se spričevalo o delu v pomorstvu nanaša na zadeve, ki jih zajema veljavna sprememba konvencije:

(a) članica, ki je to spremembo sprejela, ni zavezana razširiti ugodnosti konvencije glede spričeval o delu v pomorstvu, izdanih ladjam pod zastavo druge članice, ki:

(i) je v skladu s sedmim odstavkom tega člena uradno izrazila nesoglasje k spremembi in tega nesoglasja ni umaknila ali

(ii) je v skladu s točko a osmega odstavka tega člena poslala obvestilo, da je njeno sprejetje odvisno od njenega izrecnega obvestila, in spremembe ni sprejela, in

(b) članica, ki je sprejela spremembo, podaljša ugodnosti konvencije glede spričeval o delu v pomorstvu, izdanih ladjam pod zastavo druge članice, ki je v skladu s točko b osmega odstavka poslala obvestilo, da spremembe ne bo uporabljala za obdobje, določeno v skladu z desetim odstavkom tega člena.

AUTHORITATIVE LANGUAGES

Article XVI

The English and French versions of the text of this Convention are equally authoritative.

EXPLANATORY NOTE TO THE REGULATIONS AND CODE OF THE MARITIME LABOUR CONVENTION

1. This explanatory note, which does not form part of the Maritime Labour Convention, is intended as a general guide to the Convention.

2. The Convention comprises three different but related parts: the Articles, the Regulations and the Code.

3. The Articles and Regulations set out the core rights and principles and the basic obligations of Members ratifying the Convention. The Articles and Regulations can only be changed by the Conference in the framework of article 19 of the Constitution of the International Labour Organisation (see Article XIV of the Convention).

4. The Code contains the details for the implementation of the Regulations. It comprises Part A (mandatory Standards) and Part B (non-mandatory Guidelines). The Code can be amended through the simplified procedure set out in Article XV of the Convention. Since the Code relates to detailed implementation, amendments to it must remain within the general scope of the Articles and Regulations.

5. The Regulations and the Code are organized into general areas under five Titles:

Title 1: Minimum requirements for seafarers to work on a ship

Title 2: Conditions of employment

Title 3: Accommodation, recreational facilities, food and catering

Title 4: Health protection, medical care, welfare and social security protection

Title 5: Compliance and enforcement

VERODOSTOJNI JEZIKI

XVI. člen

Angleška in francoska različica besedila te konvencije sta enako verodostojni.

POJASNILO K PRAVILOM IN KODEKSU KONVENCIJE O DELU V POMORSTVU

1. To pojasnilo, ki ni del Konvencije o delu v pomorstvu, je splošno navodilo h konvenciji.

2. Konvencija je sestavljena iz treh različnih, vendar povezanih delov: členov, pravil in kodeksa.

3. Členi in pravila določajo temeljne pravice in načela ter osnovne obveznosti držav, ki ratificirajo konvencijo. Člene in pravila lahko spremeni le konferenca v skladu z 19. členom Ustave Mednarodne organizacije dela (glej XIV. člen konvencije).

4. Kodeks vsebuje podrobnosti za izvajanje pravil. Sestavljen je iz dela A (zavezujoči standardi) in dela B (nezavezujoče smernice). Mogoče ga je spremeniti s poenostavljenim postopkom, določenim v XV. členu konvencije. Ker se kodeks nanaša na podrobno izvajanje, morajo njegove spremembe ostati v splošnem okviru členov in pravil.

5. Pravila in kodeks so razporejeni po splošnih področjih v petih poglavjih:

1. *poglavje:* Minimalne zahteve za pomorščake za delo na ladji

2. *poglavje:* Pogoji zaposlitve

3. *poglavje:* Nastanitev, prostori za prosti čas, prehrana in oskrba s hrano

4. *poglavje:* Varovanje zdravja, zdravstvena oskrba, dobro počutje in zagotavljanje socialne varnosti

5. *poglavje:* Izpolnjevanje in uveljavljanje

6. Each Title contains groups of provisions relating to a particular right or principle (or enforcement measure in Title 5), with connected numbering. The first group in Title 1, for example, consists of Regulation 1.1, Standard A1.1 and Guideline B1.1, relating to minimum age.

7. The Convention has three underlying purposes:

(a) to lay down, in its Articles and Regulations, a firm set of rights and principles;

(b) to allow, through the Code, a considerable degree of flexibility in the way Members implement those rights and principles; and

(c) to ensure, through Title 5, that the rights and principles are properly complied with and enforced.

8. There are two main areas for flexibility in implementation: one is the possibility for a Member, where necessary (see Article VI, paragraph 3), to give effect to the detailed requirements of Part A of the Code through substantial equivalence (as defined in Article VI, paragraph 4).

9. The second area of flexibility in implementation is provided by formulating the mandatory requirements of many provisions in Part A in a more general way, thus leaving a wider scope for discretion as to the precise action to be provided for at the national level. In such cases, guidance on implementation is given in the nonmandatory Part B of the Code. In this way, Members which have ratified this Convention can ascertain the kind of action that might be expected of them under the corresponding general obligation in Part A, as well as action that would not necessarily be required. For example, Standard A4.1 requires all ships to provide prompt access to the necessary medicines for medical care on board ship (paragraph 1(b)) and to "carry a medicine chest" (paragraph 4(a)). The fulfilment in good faith of this latter obligation clearly means something more than simply having a medicine chest on board each ship. A more precise indication of what is involved is provided in the corresponding Guideline B4.1.1 (paragraph 4) so as to ensure that the contents of the chest are properly stored, used and maintained.

10. Members which have ratified this Convention are not bound by the guidance concerned and, as indicated in the provisions in Title 5 on port State control, inspections would deal only with the relevant requirements of this Convention (Articles, Regulations and the Standards in Part A). However, Members are required under paragraph 2 of Article VI to give due consideration to implementing their responsibilities under Part A of the Code in the manner provided for in Part B. If, having duly considered the relevant Guidelines, a Member decides to provide for different arrangements which ensure the proper storage, use and maintenance of the contents of the medicine chest, to take the example given above, as required by the Standard in Part A, then that is acceptable. On the other hand, by following the guidance provided in Part B, the Member concerned, as well as the ILO bodies responsible for reviewing implementation of international labour Conventions, can be sure without further consideration that the arrangements the Member has provided for are adequate to implement the responsibilities under Part A to which the Guideline relates.

6. Vsako poglavje vsebuje skupino določb, ki se nanašajo na posamezno pravico ali načelo (ali posamezen ukrep za uveljavljanje v 5. poglavju), s povezanim številčenjem. Prva skupina v 1. poglavju na primer vsebuje pravilo 1.1, standard A 1.1 in smernico B 1.1, ki se nanašajo na minimalno starost.

7. Konvencija ima tri osnovne namene:

(a) v členih in pravilih določiti temeljne pravice in načela;

(b) s kodeksom omogočiti članicam precejšnje stopnje prožnosti pri izvajanju pravic in načel in

(c) s 5. poglavjem zagotoviti ustrezno spoštovanje in uresničevanje pravic in načel.

8. Obstajata dva glavna načina za prožno izvajanje: eden je možnost članice, da po potrebi (glej tretji odstavek VI. člena) uveljavi podrobne zahteve dela A kodeksa z dejansko enakovrednostjo (kot je opredeljena v četrtem odstavku VI. člena).

9. Drug način za prožno izvajanje je zagotovljen s splošnejšim oblikovanjem zavezujočih zahtev mnogih določb v delu A, kar dopušča več prostega preudarka pri sprejemanju podrobnih ukrepov na ravni države. V takih primerih so usmeritve za izvajanje navedene v neobvezujočem delu B kodeksa. Tako lahko članice, ki so ratificirale to konvencijo, preverijo vrsto ukrepov, ki se od njih pričakujejo v skladu z ustrezno splošno obveznostjo v delu A, ter ukrepov, ki niso nujno zahtevani. Na primer, standard A 4.1 predpisuje vsem ladjam, da omogočijo takojšnji dostop do potrebnih zdravil za zdravstveno oskrbo na ladji (točka b prvega odstavka) in da "imajo omarico z zdravili" (točka a četrtega odstavka). Izpolnjevanje te obveznosti v dobri veri nedvomno pomeni nekaj več kot samo omarico z zdravili na vsaki ladji. To je natančneje pojasnjeno v smernici B 4.1.1 (četrti odstavek) zaradi zagotovitve, da se vsebina omarice pravilno shranjuje, uporablja in vzdržuje.

10. Ta usmeritev ne zavezuje članic, ki so ratificirale to konvencijo, in kot je navedeno v določbah 5. poglavja o nadzoru države pristanišča, se bo nadzor nanašal le na zahteve te konvencije (člene, pravila in standarde v delu A). Od članic pa se v skladu z drugim odstavkom VI. člena zahteva, da namenijo ustrezno pozornost izpolnjevanju svojih obveznosti iz dela A kodeksa, tako kot je predvideno v delu B. Če se ob pravilnem upoštevanju smernic članica odloči, da bo v zgornjem primeru določila drugačno ureditev, ki zagotavlja ustrezno shranjevanje, uporabo in vzdrževanje vsebine omarice za zdravila, kot zahteva standard v delu A, potem je to sprejemljivo. Po drugi strani pa so lahko z upoštevanjem usmeritev iz dela B članica in organi Mednarodne organizacije dela, odgovorni za presojo izvajanja mednarodnih konvencij o delu, brez nadaljnega preverjanja prepričani, da je ureditev, ki jo je predvidela članica, ustrezna za uresničevanje obveznosti iz dela A, na katerega se smernica nanaša.

THE REGULATIONS AND THE CODE**TITLE 1. MINIMUM REQUIREMENTS FOR SEAFARERS TO WORK ON A SHIP****Regulation 1.1 – Minimum age**

Purpose: To ensure that no under-age persons work on a ship

1. No person below the minimum age shall be employed or engaged or work on a ship.
2. The minimum age at the time of the initial entry into force of this Convention is 16 years.
3. A higher minimum age shall be required in the circumstances set out in the Code.

Standard A1.1 – Minimum age

1. The employment, engagement or work on board a ship of any person under the age of 16 shall be prohibited.
2. Night work of seafarers under the age of 18 shall be prohibited. For the purposes of this Standard, "night" shall be defined in accordance with national law and practice. It shall cover a period of at least nine hours starting no later than midnight and ending no earlier than 5 a.m.
3. An exception to strict compliance with the night work restriction may be made by the competent authority when:
 - (a) the effective training of the seafarers concerned, in accordance with established programmes and schedules, would be impaired; or
 - (b) the specific nature of the duty or a recognized training programme requires that the seafarers covered by the exception perform duties at night and the authority determines, after consultation with the shipowners' and seafarers' organizations concerned, that the work will not be detrimental to their health or well-being.
4. The employment, engagement or work of seafarers under the age of 18 shall be prohibited where the work is likely to jeopardize their health or safety. The types of such work shall be determined by national laws or regulations or by the competent authority, after consultation with the shipowners' and seafarers' organizations concerned, in accordance with relevant international standards.

Guideline B1.1 – Minimum age

1. When regulating working and living conditions, Members should give special attention to the needs of young persons under the age of 18.

Regulation 1.2 – Medical certificate

Purpose: To ensure that all seafarers are medically fit to perform their duties at sea

1. Seafarers shall not work on a ship unless they are certified as medically fit to perform their duties.
2. Exceptions can only be permitted as prescribed in the Code.

Standard A1.2 – Medical certificate

1. The competent authority shall require that, prior to beginning work on a ship, seafarers hold a valid medical certificate attesting that they are medically fit to perform the duties they are to carry out at sea.
2. In order to ensure that medical certificates genuinely reflect seafarers' state of health, in light of the duties they are to perform, the competent authority shall, after consultation with the shipowners' and seafarers' organizations concerned, and giving due consideration to applicable international guidelines referred to in Part B of this Code, prescribe the nature of the medical examination and certificate.

PRAVILA IN KODEKS**1. POGLAVJE: MINIMALNE ZAHTEVE ZA POMORŠČAKE ZA DELO NA LADJI****Pravilo 1.1 – Minimalna starost**

Namen: zagotoviti, da na ladji ne delajo osebe pod minimalno starostjo

1. Na ladji ne sme biti zaposlena ali najeta oziroma ne sme delati nobena oseba pod minimalno starostjo.
2. Minimalna starost ob začetku veljavnosti te konvencije je 16 let.
3. Višja minimalna starost se zahteva v okoliščinah, določenih v kodeksu.

Standard A 1.1 – Minimalna starost

1. Zaposlitev, najem ali delo na ladji osebe, mlajše od 16 let, je prepovedano.
2. Nočno delo pomorščakov, mlajših od 18 let, je prepovedano. Za namene tega standarda je "noč" opredeljena v skladu z notranjo zakonodajo in prakso. Zajema dobo vsaj devetih ur, ki se začne najpozneje opolnoči in ne konča prej kot ob petih zjutraj.
3. Pristojni organ lahko odobri izjemo pri strogem izpolnjevanju omejitve nočnega dela, kadar:
 - (a) bi bilo ovirano učinkovito usposabljanje pomorščakov v skladu z uveljavljenimi programi in razporedi ali
 - (b) posebna narava naloge ali priznan program usposabljanja zahteva, da pomorščaki, za katere velja izjema, opravljajo naloge ponoči, in organ po posvetovanju z organizacijami ladjarjev in pomorščakov odloči, da delo ne bo škodovalo njihovem zdravju ali dobremu počutju.

4. Zaposlitev, najem ali delo pomorščakov, mlajših od 18 let, je prepovedano, kadar obstaja verjetnost, da bi delo ogrozilo njihovo zdravje ali varnost. Vrste takega dela določijo notranji zakoni ali drugi predpisi oziroma pristojni organ po posvetovanju z organizacijami ladjarjev in pomorščakov v skladu z ustreznimi mednarodnimi standardi.

Smernica B 1.1 – Minimalna starost

1. Pri urejanju delovnih pogojev in življenjskih razmer morajo članice nameniti posebno pozornost potrebam oseb, mlajših od 18 let.

Pravilo 1.2 – Zdravniško spričevalo

Namen: zagotoviti, da so vsi pomorščaki zdravstveno sposobni za opravljanje dela na morju

1. Pomorščaki ne smejo delati na ladji, če nimajo spričevala, da so zdravstveno sposobni za opravljanje dela.
2. Izjeme so dovoljene samo, če so predpisane v kodeksu.

Standard A 1.2 – Zdravniško spričevalo

1. Pristojni organ zahteva, da imajo pomorščaki pred začetkom dela na ladji veljavno zdravniško spričevalo, ki potrjuje, da so zdravstveno sposobni za opravljanje dela na morju.
2. Za zagotovitev, da zdravniška spričevala resnično izražajo zdravstveno stanje pomorščakov glede na delo, ki naj bi ga opravljali, pristojni organ po posvetovanju z organizacijami ladjarjev in pomorščakov ter ob upoštevanju veljavnih mednarodnih smernic iz dela B tega kodeksa predpiše vrsto zdravstvenega pregleda in spričevala.

3. This Standard is without prejudice to the International Convention on Standards of Training, Certification and Watch-keeping for Seafarers, 1978, as amended ("STCW"). A medical certificate issued in accordance with the requirements of STCW shall be accepted by the competent authority, for the purpose of Regulation 1.2. A medical certificate meeting the substance of those requirements, in the case of seafarers not covered by STCW, shall similarly be accepted.

4. The medical certificate shall be issued by a duly qualified medical practitioner or, in the case of a certificate solely concerning eyesight, by a person recognized by the competent authority as qualified to issue such a certificate. Practitioners must enjoy full professional independence in exercising their medical judgement in undertaking medical examination procedures.

5. Seafarers that have been refused a certificate or have had a limitation imposed on their ability to work, in particular with respect to time, field of work or trading area, shall be given the opportunity to have a further examination by another independent medical practitioner or by an independent medical referee.

6. Each medical certificate shall state in particular that:

(a) the hearing and sight of the seafarer concerned, and the colour vision in the case of a seafarer to be employed in capacities where fitness for the work to be performed is liable to be affected by defective colour vision, are all satisfactory; and

(b) the seafarer concerned is not suffering from any medical condition likely to be aggravated by service at sea or to render the seafarer unfit for such service or to endanger the health of other persons on board.

7. Unless a shorter period is required by reason of the specific duties to be performed by the seafarer concerned or is required under STCW:

(a) a medical certificate shall be valid for a maximum period of two years unless the seafarer is under the age of 18, in which case the maximum period of validity shall be one year;

(b) a certification of colour vision shall be valid for a maximum period of six years.

8. In urgent cases the competent authority may permit a seafarer to work without a valid medical certificate until the next port of call where the seafarer can obtain a medical certificate from a qualified medical practitioner, provided that:

(a) the period of such permission does not exceed three months; and

(b) the seafarer concerned is in possession of an expired medical certificate of recent date.

9. If the period of validity of a certificate expires in the course of a voyage, the certificate shall continue in force until the next port of call where the seafarer can obtain a medical certificate from a qualified medical practitioner, provided that the period shall not exceed three months.

10. The medical certificates for seafarers working on ships ordinarily engaged on international voyages must as a minimum be provided in English.

Guideline B1.2 – Medical certificate

Guideline B1.2.1 – International guidelines

1. The competent authority, medical practitioners, examiners, shipowners, seafarers' representatives and all other persons concerned with the conduct of medical fitness examinations of seafarer candidates and serving seafarers should follow the ILO/WHO *Guidelines for Conducting Pre-sea and Periodic Medical Fitness Examinations for Seafarers*, including any subsequent versions, and any other applicable international guidelines published by the International Labour Organization, the International Maritime Organization or the World Health Organization.

3. Ta standard ne posega v Mednarodno konvencijo o standardih za usposabljanje, izdajanje spričeval in ladijsko strazarjenje pomorščakov, 1978, kot je bila spremenjena ("STCW"). Pristojni organ sprejme zdravniško spričevalo, izdano v skladu z zahtevami STCW, za namen pravila 1.2. Podobno se pri pomorščakih, ki jih STCW ne zajema, sprejme zdravniško spričevalo, ki izpolnjuje navedene bistvene zahteve.

4. Zdravniško spričevalo izda ustrezno usposobljen zdravnik, če pa gre za spričevalo samo o oceni vida, pa oseba, ki jo je pristojni organ priznal kot usposobljeno za izdajanje takega spričevala. Zdravnikom mora biti pri medicinski presoji v postopkih zdravstvenega pregleda zagotovljena popolna strokovna neodvisnost.

5. Pomorščaki, ki jim je bila izdaja zdravniškega spričevala zavrnjena ali pri katerih je ugotovljena omejena zmožnost za delo, zlasti glede časa, področja dela ali kategorije plovbe, morajo imeti možnost dodatnega pregleda, ki ga opravi drug neodvisni zdravnik ali neodvisni zdravstveni strokovnjak.

6. Vsako zdravniško spričevalo še zlasti navaja, da:

(a) so sluh in vid pomorščaka ter njegov barvni vid, kadar naj bi opravljal naloge, pri katerih okvarjeni barvni vid vpliva na sposobnost za delo, zadovoljivi in

(b) pomorščakovo zdravstveno stanje ni tako, da bi se zaradi dela na morju poslabšalo oziroma bi zaradi tega postal nesposoben za tako delo ali bi to ogrozilo zdravje drugih oseb na ladji.

7. Če zaradi posebnih nalog, ki naj bi jih opravljal pomorščak, ali v skladu s STCW ni zahtevano krajše obdobje:

(a) zdravniško spričevalo velja največ dve leti, razen če ni pomorščak mlajši od 18 let; v tem primeru je čas veljavnosti eno leto;

(b) spričevalo o barvnem vidu velja največ šest let.

8. V nujnih primerih lahko pristojni organ dovoli pomorščaku, da dela brez veljavnega zdravniškega spričevala do naslednjega pristanišča pristanka, v katerem lahko pomorščak dobi zdravniško spričevalo usposobljenega zdravnika, če:

(a) obdobje takega dovoljenja ni daljše od treh mesecev in

(b) ima pomorščak zdravniško spričevalo, ki je poteklo pred kratkim.

9. Če obdobje veljavnosti spričevala poteče med potovanjem, ostane spričevalo veljavno do naslednjega pristanišča, v katerem lahko pomorščak dobi zdravniško spričevalo usposobljenega zdravnika, če to obdobje ni daljše od treh mesecev.

10. Zdravniška spričevala za pomorščake, ki delajo na ladjah, ki običajno opravljajo mednarodna potovanja, morajo biti vsaj v angleščini.

Smernica B 1.2 – Zdravniško spričevalo

Smernica B 1.2.1 – Mednarodne smernice

1. Pristojni organ, zdravniki, izvajalci pregledov, ladjarji, predstavniki pomorščakov in vse druge osebe, ki sodelujejo pri ocenjevanju zdravstvene sposobnosti kandidatov za pomorščake in pomorščakov, se ravna po *Smernicah Mednarodne organizacije dela/Svetovne zdravstvene organizacije za izvajanje predhodnih in rednih pregledov zdravstvene sposobnosti za pomorščake*, vključno s poznejšimi različicami, in po vseh drugih veljavnih mednarodnih smernicah, ki so jih objavile Mednarodna organizacija dela, Mednarodna pomorska organizacija ali Svetovna zdravstvena organizacija.

Regulation 1.3 – Training and qualifications

Purpose: To ensure that seafarers are trained or qualified to carry out their duties on board ship

1. Seafarers shall not work on a ship unless they are trained or certified as competent or otherwise qualified to perform their duties.

2. Seafarers shall not be permitted to work on a ship unless they have successfully completed training for personal safety on board ship.

3. Training and certification in accordance with the mandatory instruments adopted by the International Maritime Organization shall be considered as meeting the requirements of paragraphs 1 and 2 of this Regulation.

4. Any Member which, at the time of its ratification of this Convention, was bound by the Certification of Able Seamen Convention, 1946 (No. 74), shall continue to carry out the obligations under that Convention unless and until mandatory provisions covering its subject matter have been adopted by the International Maritime Organization and entered into force, or until five years have elapsed since the entry into force of this Convention in accordance with paragraph 3 of Article VIII, whichever date is earlier.

Regulation 1.4 – Recruitment and placement

Purpose: To ensure that seafarers have access to an efficient and well-regulated seafarer recruitment and placement system

1. All seafarers shall have access to an efficient, adequate and accountable system for finding employment on board ship without charge to the seafarer.

2. Seafarer recruitment and placement services operating in a Member's territory shall conform to the standards set out in the Code.

3. Each Member shall require, in respect of seafarers who work on ships that fly its flag, that shipowners who use seafarer recruitment and placement services that are based in countries or territories in which this Convention does not apply, ensure that those services conform to the requirements set out in the Code.

Standard A1.4 – Recruitment and placement

1. Each Member that operates a public seafarer recruitment and placement service shall ensure that the service is operated in an orderly manner that protects and promotes seafarers' employment rights as provided in this Convention.

2. Where a Member has private seafarer recruitment and placement services operating in its territory whose primary purpose is the recruitment and placement of seafarers or which recruit and place a significant number of seafarers, they shall be operated only in conformity with a standardized system of licensing or certification or other form of regulation. This system shall be established, modified or changed only after consultation with the shipowners' and seafarers' organizations concerned. In the event of doubt as to whether this Convention applies to a private recruitment and placement service, the question shall be determined by the competent authority in each Member after consultation with the shipowners' and seafarers' organizations concerned. Undue proliferation of private seafarer recruitment and placement services shall not be encouraged.

3. The provisions of paragraph 2 of this Standard shall also apply – to the extent that they are determined by the competent authority, in consultation with the shipowners' and seafarers' organizations concerned, to be appropriate – in the context of recruitment and placement services operated by a seafarers' organization in the territory of the Member for the supply of seafarers who are nationals of that Member to ships which fly its flag. The services covered by this paragraph are those fulfilling the following conditions:

Pravilo 1.3 – Usposabljanje in kvalifikacije

Namen: zagotoviti, da so pomorščaki usposobljeni ali kvalificirani za opravljanje dela na ladji

1. Pomorščaki ne smejo delati na ladji, če niso za to usposobljeni ali jim ni bilo izdano ustrezno pooblastilo ali niso kako drugače kvalificirani za opravljanje dela.

2. Pomorščakom ni dovoljeno delati na ladji, če niso uspešno končali usposabljanja za osebno varnost na ladji.

3. Usposabljanje in izdajanje pooblastil v skladu z obveznimi akti, ki jih je sprejela Mednarodna pomorska organizacija, pomenita izpolnitev zahtev iz prvega in drugega odstavka tega pravila.

4. Vsaka članica, ki jo je ob ratifikaciji te konvencije zavezovala Konvencija o kvalifikacijskih sposobnostih mornarjev, 1946 (št. 74), še naprej izpolnjuje obveznosti po navedeni konvenciji, če obveznih določb, ki zajemajo njeno vsebino, ne sprejme Mednarodna pomorska organizacija in dokler ne začnejo veljati ali dokler ne mine pet let od začetka veljavnosti te konvencije v skladu s tretjim odstavkom VIII. člena, kar je prej.

Pravilo 1.4 – Zaposlovanje in nameščanje

Namen: zagotoviti, da imajo pomorščaki dostop do učinkovitega in dobro urejenega sistema zaposlovanja in nameščanja

1. Vsi pomorščaki imajo brezplačen dostop do učinkovitega, primerne in preglednega sistema iskanja zaposlitve na ladji.

2. Službe za zaposlovanje in nameščanje pomorščakov, ki delujejo na ozemlju članice, morajo izpolnjevati standarde, določene v kodeksu.

3. Vsaka članica za pomorščake, ki delajo na ladjah pod njeno zastavo, zahteva od ladjarjev, ki uporabljajo službe za zaposlovanje in nameščanje pomorščakov s sedežem v državah ali na ozemljih, na katerih se ta konvencija ne uporablja, da te službe izpolnjujejo zahteve iz kodeksa.

Standard A 1.4 – Zaposlovanje in nameščanje

1. Vsaka članica, ki ima javno službo za zaposlovanje in nameščanje pomorščakov, zagotovi, da služba deluje tako, da štiti in uveljavlja pravice iz zaposlitve pomorščakov, kot so določene v tej konvenciji.

2. Kadar ima članica zasebne službe za zaposlovanje in nameščanje pomorščakov, ki delujejo na njenem ozemlju ter katerih osnovni namen je zaposlovanje in nameščanje pomorščakov ali zaposlujejo in nameščajo precejšnje število pomorščakov, te delujejo izključno v skladu s standardiziranim sistemom izdaje dovoljenj ali soglasij oziroma z drugo obliko ureditve. Ta sistem se vzpostavi, prilagodi ali spremeni le po posvetovanju z organizacijami ladjarjev in pomorščakov. Ob dvomu, ali se ta konvencija uporablja za določeno zasebno službo za zaposlovanje in nameščanje, o vprašanju odloči pristojni organ v vsaki članici po posvetovanju z organizacijami ladjarjev in pomorščakov. Neupravičeno širjenje zasebnih služb za zaposlovanje in nameščanje pomorščakov se ne bi smelo spodbujati.

3. Določbe drugega odstavka tega standarda se uporabljajo tudi – če je pristojni organ po posvetovanju z organizacijami ladjarjev in pomorščakov ugotovil, da so primerne – za službe za zaposlovanje in nameščanje, ki jih imajo organizacije pomorščakov na ozemlju članice za posredovanje pomorščakov, ki so državljani navedene članice, ladjam, ki plujejo pod njeno zastavo. Službe iz tega odstavka so tiste, ki izpolnjujejo te pogoje:

(a) the recruitment and placement service is operated pursuant to a collective bargaining agreement between that organization and a shipowner;

(b) both the seafarers' organization and the shipowner are based in the territory of the Member;

(c) the Member has national laws or regulations or a procedure to authorize or register the collective bargaining agreement permitting the operation of the recruitment and placement service; and

(d) the recruitment and placement service is operated in an orderly manner and measures are in place to protect and promote seafarers' employment rights comparable to those provided in paragraph 5 of this Standard.

4. Nothing in this Standard or Regulation 1.4 shall be deemed to:

(a) prevent a Member from maintaining a free public seafarer recruitment and placement service for seafarers in the framework of a policy to meet the needs of seafarers and shipowners, whether the service forms part of or is coordinated with a public employment service for all workers and employers; or

(b) impose on a Member the obligation to establish a system for the operation of private seafarer recruitment or placement services in its territory.

5. A Member adopting a system referred to in paragraph 2 of this Standard shall, in its laws and regulations or other measures, at a minimum:

(a) prohibit seafarer recruitment and placement services from using means, mechanisms or lists intended to prevent or deter seafarers from gaining employment for which they are qualified;

(b) require that no fees or other charges for seafarer recruitment or placement or for providing employment to seafarers are borne directly or indirectly, in whole or in part, by the seafarer, other than the cost of the seafarer obtaining a national statutory medical certificate, the national seafarer's book and a passport or other similar personal travel documents, not including, however, the cost of visas, which shall be borne by the shipowner; and

(c) ensure that seafarer recruitment and placement services operating in its territory:

(i) maintain an up-to-date register of all seafarers recruited or placed through them, to be available for inspection by the competent authority;

(ii) make sure that seafarers are informed of their rights and duties under their employment agreements prior to or in the process of engagement and that proper arrangements are made for seafarers to examine their employment agreements before and after they are signed and for them to receive a copy of the agreements;

(iii) verify that seafarers recruited or placed by them are qualified and hold the documents necessary for the job concerned, and that the seafarers' employment agreements are in accordance with applicable laws and regulations and any collective bargaining agreement that forms part of the employment agreement;

(iv) make sure, as far as practicable, that the shipowner has the means to protect seafarers from being stranded in a foreign port;

(v) examine and respond to any complaint concerning their activities and advise the competent authority of any unresolved complaint;

(vi) establish a system of protection, by way of insurance or an equivalent appropriate measure, to compensate seafarers for monetary loss that they may incur as a result of the failure of a recruitment and placement service or the relevant shipowner under the seafarers' employment agreement to meet its obligations to them.

(a) služba za zaposlovanje in nameščanje deluje v skladu s kolektivno pogodbo, sklenjeno med navedeno organizacijo in ladjarjem;

(b) organizacija pomorščakov in tudi ladjar imata sedež na ozemlju članice;

(c) članica ima svoje zakone ali druge predpise ali postopek za odobritev oziroma registracijo kolektivne pogodbe, ki omogočajo delovanje službe za zaposlovanje in nameščanje, in

(d) služba za zaposlovanje in nameščanje deluje pravilno ter so uveljavljeni ukrepi, ki ščitijo in uveljavljajo pravice iz zaposlitve pomorščakov, primerljive s tistimi iz petega odstavka tega standarda.

4. Nič v tem standardu ali pravilu 1.4 se ne šteje, da bi:

(a) preprečevalo članici, da zagotovi neodvisno javno službo za zaposlovanje in nameščanje pomorščakov v okviru politike za zadovoljevanje potreb pomorščakov in ladjarjev ne glede na to, ali je ta služba del javne službe za zaposlovanje za vse delavce in delodajalce ali pa je z njo usklajena, ali

(b) nalagalo članici obveznost, da na svojem ozemlju vzpostavi sistem delovanja zasebnih služb za zaposlovanje ali nameščanje pomorščakov.

5. Članica, ki sprejme sistem iz drugega odstavka tega standarda, mora v svojih zakonih in drugih predpisih ali drugih ukrepih vsaj:

(a) prepovedati službam za zaposlovanje in nameščanje pomorščakov, da uporabijo sredstva, mehanizme ali sezname, namenjene preprečevanju zaposlitve, za katero so pomorščaki kvalificirani, ali odvratanju pomorščakov od take zaposlitve;

(b) zahtevati, da pomorščaki niti neposredno, niti posredno, niti v celoti, niti deloma ne krijejo pristojbin ali drugih stroškov za zaposlovanje ali nameščanje pomorščakov oziroma za zagotovitev zaposlitve pomorščakov, razen pomorščakovih stroškov za pridobitev predpisanega zdravniškega spričevala, pomorske knjižice pomorščaka in potnega lista ali podobnih osebnih potnih listin, kar pa ne vključuje stroškov vizumov, ki jih krije ladjar, in

(c) zagotoviti, da službe za zaposlovanje in nameščanje pomorščakov, ki delujejo na njenem ozemlju:

(i) vzdržujejo posodobljeno evidenco vseh pomorščakov, zaposlenih ali nameščenih prek njih, da je na voljo za pregled pristojnemu organu;

(ii) zagotavljajo, da so pomorščaki pred zaposlitvijo ali med njo seznanjeni s svojimi pravicami in dolžnostmi po pogodbah o zaposlitvi ter da se jim omogoči pregled pogodb o zaposlitvi, preden jih podpišejo in po podpisu, ter da prejmejo izvod teh pogodb;

(iii) preverijo, ali so pomorščaki, ki jih zaposlujejo ali nameščajo, kvalificirani in ali imajo potrebne dokumente za to delovno mesto ter ali so pogodbe o zaposlitvi pomorščakov v skladu z veljavnimi zakoni in drugimi predpisi ter kolektivno pogodbo, ki je del pogodbe o zaposlitvi;

(iv) zagotovijo, če je izvedljivo, da ima ladjar sredstva, s katerimi prepreči, da bi pomorščaki ostali brez pomoči v tujem pristanišču;

(v) proučijo vsako prijavo glede njihovih storitev in odgovorijo nanjo ter obvestijo pristojni organ o vseh nerešenih prijavah;

(vi) vzpostavijo sistem zaščite z zavarovanjem ali drugim enakovrednim ukrepom, da pomorščakom nadomestijo denarno izgubo, ki jo lahko imajo zaradi napake službe za zaposlovanje in nameščanje ali zato, ker ladjar ne izpolnjuje obveznosti po pogodbi o zaposlitvi pomorščakov.

6. The competent authority shall closely supervise and control all seafarer recruitment and placement services operating in the territory of the Member concerned. Any licences or certificates or similar authorizations for the operation of private services in the territory are granted or renewed only after verification that the seafarer recruitment and placement service concerned meets the requirements of national laws and regulations.

7. The competent authority shall ensure that adequate machinery and procedures exist for the investigation, if necessary, of complaints concerning the activities of seafarer recruitment and placement services, involving, as appropriate, representatives of shipowners and seafarers.

8. Each Member which has ratified this Convention shall, in so far as practicable, advise its nationals on the possible problems of signing on a ship that flies the flag of a State which has not ratified the Convention, until it is satisfied that standards equivalent to those fixed by this Convention are being applied. Measures taken to this effect by the Member that has ratified this Convention shall not be in contradiction with the principle of free movement of workers stipulated by the treaties to which the two States concerned may be parties.

9. Each Member which has ratified this Convention shall require that shipowners of ships that fly its flag, who use seafarer recruitment and placement services based in countries or territories in which this Convention does not apply, ensure, as far as practicable, that those services meet the requirements of this Standard.

10. Nothing in this Standard shall be understood as diminishing the obligations and responsibilities of shipowners or of a Member with respect to ships that fly its flag.

Guideline B1.4 – Recruitment and placement

Guideline B1.4.1 – Organizational and operational guidelines

1. When fulfilling its obligations under Standard A1.4, paragraph 1, the competent authority should consider:

(a) taking the necessary measures to promote effective cooperation among seafarer recruitment and placement services, whether public or private;

(b) the needs of the maritime industry at both the national and international levels, when developing training programmes for seafarers that form the part of the ship's crew that is responsible for the ship's safe navigation and pollution prevention operations, with the participation of shipowners, seafarers and the relevant training institutions;

(c) making suitable arrangements for the cooperation of representative shipowners' and seafarers' organizations in the organization and operation of the public seafarer recruitment and placement services, where they exist;

(d) determining, with due regard to the right to privacy and the need to protect confidentiality, the conditions under which seafarers' personal data may be processed by seafarer recruitment and placement services, including the collection, storage, combination and communication of such data to third parties;

(e) maintaining an arrangement for the collection and analysis of all relevant information on the maritime labour market, including the current and prospective supply of seafarers that work as crew classified by age, sex, rank and qualifications, and the industry's requirements, the collection of data on age or sex being admissible only for statistical purposes or if used in the framework of a programme to prevent discrimination based on age or sex;

6. Pristojni organ skrbno nadzoruje vse službe za zaposlovanje in nameščanje pomorščakov, ki delujejo na ozemlju članice. Vsa dovoljenja, potrdila ali podobne odobritve za delovanje zasebnih služb na ozemlju se izdajo ali obnovijo šele, potem ko se preveri, ali služba za zaposlovanje in nameščanje pomorščakov izpolnjuje zahteve notranjih zakonov in drugih predpisov.

7. Pristojni organ zagotovi, da so po potrebi na voljo ustrezni mehanizmi in postopki za preiskavo prijav glede dejavnosti služb za zaposlovanje in nameščanje pomorščakov, pri kateri sodelujejo predstavniki ladjarjev in pomorščakov, če je primerno.

8. Vsaka članica, ki je ratificirala to konvencijo, v mejah možnosti obvešča svoje državljane o morebitnih težavah pri nastopu službe na ladji, ki pluje pod zastavo države, ki ni ratificirala konvencije, dokler ni prepričana, da se uporabljajo standardi, enakovredni tistim, ki so določeni s to konvencijo. Ukrepi, ki jih v ta namen sprejme članica, ki je ratificirala to konvencijo, ne smejo biti v nasprotju z načelom prostega pretoka delavcev, določenim v pogodbah, katerih pogodbenici sta morda ti državi.

9. Vsaka članica, ki je ratificirala to konvencijo, zahteva, da ladjarji pod njeno zastavo, ki uporabljajo službe za zaposlovanje in nameščanje pomorščakov s sedežem v državah ali na ozemljih, na katerih se ta konvencija ne uporablja, v mejah možnosti zagotovijo, da te službe izpolnjujejo zahteve, določene v tem standardu.

10. Nič v tem standardu se ne razume tako, kot da zmanjšuje obveznosti in odgovornosti ladjarjev ali članice glede ladij, ki plujejo pod njeno zastavo.

Smernica B 1.4 – Zaposlovanje in nameščanje

Smernica B 1.4.1 – Organizacijske smernice in smernice za izvajanje

1. Pristojni organ pri izpolnjevanju svojih obveznosti po prvem odstavku standarda A 1.4 upošteva:

(a) sprejetje potrebnih ukrepov za pospešitev učinkovitega sodelovanja med službami za zaposlovanje in nameščanje pomorščakov ne glede na to, ali so javne ali zasebne;

(b) potrebe v pomorstvu na državni in mednarodni ravni, kadar se pripravljajo programi usposabljanja za pomorščake, ki so del ladijske posadke, odgovorne za varno plovbo ladje in preprečevanje onesnaževanja, pri čemer sodelujejo ladjarji, pomorščaki in ustrezne izobraževalne ustanove;

(c) zagotovitev ustreznih ureditev za sodelovanje reprezentativnih organizacij ladjarjev in pomorščakov pri organizaciji in delovanju javnih služb za zaposlovanje in nameščanje pomorščakov tam, kjer obstajajo;

(d) določitev pogojev, pod katerimi lahko službe za zaposlovanje in nameščanje pomorščakov obdelujejo osebne podatke pomorščakov, vključno z zbiranjem, hranjenjem, kombiniranjem in sporočanjem takih podatkov tretjim, pri čemer se ustrezno upošteva pravica do zasebnosti in potreba po varstvu zaupnosti;

(e) urejeno zbiranje in analiziranje vseh ustreznih informacij o trgu dela pomorščakov, vključno s trenutno in prihodnjo ponudbo pomorščakov, ki delajo kot posadka, razvrščenih po starosti, spolu, položaju in usposobljenosti, ter o zahtevah panoge, pri čemer je zbiranje podatkov o starosti ali spolu dopustno le za statistične namene ali uporabo v okviru programa za preprečevanje diskriminacije, ki temelji na starosti ali spolu;

(f) ensuring that the staff responsible for the supervision of public and private seafarer recruitment and placement services for ship's crew with responsibility for the ship's safe navigation and pollution prevention operations have had adequate training, including approved sea-service experience, and have relevant knowledge of the maritime industry, including the relevant maritime international instruments on training, certification and labour standards;

(g) prescribing operational standards and adopting codes of conduct and ethical practices for seafarer recruitment and placement services; and

(h) exercising supervision of the licensing or certification system on the basis of a system of quality standards.

2. In establishing the system referred to in Standard A1.4, paragraph 2, each Member should consider requiring seafarer recruitment and placement services, established in its territory, to develop and maintain verifiable operational practices. These operational practices for private seafarer recruitment and placement services and, to the extent that they are applicable, for public seafarer recruitment and placement services should address the following matters:

(a) medical examinations, seafarers' identity documents and such other items as may be required for the seafarer to gain employment;

(b) maintaining, with due regard to the right to privacy and the need to protect confidentiality, full and complete records of the seafarers covered by their recruitment and placement system, which should include but not be limited to:

- (i) the seafarers' qualifications;
- (ii) record of employment;
- (iii) personal data relevant to employment; and
- (iv) medical data relevant to employment;

(c) maintaining up-to-date lists of the ships for which the seafarer recruitment and placement services provide seafarers and ensuring that there is a means by which the services can be contacted in an emergency at all hours;

(d) procedures to ensure that seafarers are not subject to exploitation by the seafarer recruitment and placement services or their personnel with regard to the offer of engagement on particular ships or by particular companies;

(e) procedures to prevent the opportunities for exploitation of seafarers arising from the issue of joining advances or any other financial transaction between the shipowner and the seafarers which are handled by the seafarer recruitment and placement services;

(f) clearly publicizing costs, if any, which the seafarer will be expected to bear in the recruitment process;

(g) ensuring that seafarers are advised of any particular conditions applicable to the job for which they are to be engaged and of the particular shipowner's policies relating to their employment;

(h) procedures which are in accordance with the principles of natural justice for dealing with cases of incompetence or indiscipline consistent with national laws and practice and, where applicable, with collective agreements;

(i) procedures to ensure, as far as practicable, that all mandatory certificates and documents submitted for employment are up to date and have not been fraudulently obtained and that employment references are verified;

(j) procedures to ensure that requests for information or advice by families of seafarers while the seafarers are at sea are dealt with promptly and sympathetically and at no cost; and

(k) verifying that labour conditions on ships where seafarers are placed are in conformity with applicable collective bargaining agreements concluded between a shipowner and a representative seafarers' organization and, as a matter of policy, supplying seafarers only to shipowners that offer terms and conditions of employment to seafarers which comply with applicable laws or regulations or collective agreements.

(f) zagotovitev, da je osebje, odgovorno za nadzor nad javnimi in zasebnimi službami za zaposlovanje in nameščenja pomorščakov, ki so del ladijske posadke, odgovorne za varno plovbo ladje in preprečevanje onesnaževanja, ustrezno usposobljeno, vključno s priznano plovno dobo, ter da ustrezno pozna pomorsko dejavnost, vključno z ustreznimi mednarodnimi pomorskimi akti o usposabljanju, izdajanju pooblastil in delovnih standardih;

(g) predpisovanje izvedbenih standardov in sprejetje kodeksov ravnanja ter etičnih praks za službe za zaposlovanje in nameščenje pomorščakov in

(h) opravljanje nadzora nad sistemom izdajanja dovoljenj in potrdil na podlagi sistema standardov kakovosti.

2. Pri vzpostavljanju sistema iz drugega odstavka standarda A 1.4 vsaka članica razmisli o tem, da bi od služb za zaposlovanje in nameščenje pomorščakov s sedežem na svojem ozemlju zahtevala, naj razvijejo in vzdržujejo preverljive prakse za izvajanje. Te prakse za zasebne službe za zaposlovanje in nameščenje pomorščakov, ter kolikor je mogoče tudi za javne službe za zaposlovanje in nameščenje pomorščakov, se morajo nanašati na:

(a) zdravstvene preglede, osebne dokumente pomorščakov in druge zadeve, ki bi se za pridobitev zaposlitve lahko zahtevale od pomorščaka;

(b) vzdrževanje popolne in celovite evidence pomorščakov, vključenih v njihov sistem zaposlovanja in nameščenja, ob ustreznem upoštevanju pravice do zasebnosti in potrebe po varstvu zaupnosti, pri čemer ta evidenca vključuje, vendar ni omejena samo na:

- (i) kvalifikacije pomorščakov;
- (ii) podatke o zaposlitvah;
- (iii) osebne podatke, pomembne za zaposlitev, in
- (iv) zdravstvene podatke, pomembne za zaposlitev;

(c) vzdrževanje posodobljenih seznamov ladij, ki jim službe za zaposlovanje in nameščenje pomorščakov posredujejo pomorščake, ter zagotavljanje sredstev, prek katerih je te službe v nujnem primeru mogoče doseči ob kateri koli uri;

(d) postopke za zagotovitev, da službe za zaposlovanje in nameščenje ali njihovo osebje ne izkorišča pomorščakov glede ponudbe za zaposlitev na določenih ladjah ali pri določenih družbah;

(e) postopke za preprečevanje možnosti za izkoriščanje pomorščakov, ki izhajajo iz plačila za zagotovitev službe ali katerih koli drugih finančnih transakcij med ladjarjem in pomorščaki, ki jih obravnavajo službe za zaposlovanje in nameščenje pomorščakov;

(f) jasno objavo morebitnih stroškov, za katere se pričakuje, da jih bo kril pomorščak v postopku zaposlovanja;

(g) zagotovitev, da so pomorščaki obveščeni o kakršnih koli posebnih pogojih, ki veljajo za delovno mesto, na katero naj bi bili razporejeni, in o politiki ladjarjev v zvezi z njihovo zaposlitvijo;

(h) postopke za obravnavanje primerov nesposobnosti ali nediscipline, vzpostavljene ob upoštevanju načela nepristranskosti ter usklajene z notranjo zakonodajo in prakso, ali kadar je potrebno, kolektivnimi pogodbami;

(i) če je izvedljivo, na postopke ki zagotavljajo, da so vsa obvezna potrdila in dokumenti, predloženi zaradi zaposlitve, posodobljeni in da niso bili pridobljeni z goljufijo ter da so zaposlitvena priporočila preverjena;

(j) postopke, ki zagotavljajo, da se prošnje družin pomorščakov za informacije ali nasvete, ko so pomorščaki na morju, obravnavajo nemudoma, razumevajoče in brezplačno, in

(k) potrditev, da so delovne razmere na ladjah, na katerih so pomorščaki nameščeni, skladne z veljavnimi kolektivnimi pogodbami, sklenjenimi med ladjarjem in reprezentativno organizacijo pomorščakov, kot del politike posredovanja pomorščakov samo ladjarjem, ki ponujajo pomorščakom pogoje zaposlitve, skladne z veljavnimi zakoni ali drugimi predpisi ali kolektivnimi pogodbami.

3. Consideration should be given to encouraging international cooperation between Members and relevant organizations, such as:

- (a) the systematic exchange of information on the maritime industry and labour market on a bilateral, regional and multilateral basis;
- (b) the exchange of information on maritime labour legislation;
- (c) the harmonization of policies, working methods and legislation governing recruitment and placement of seafarers;
- (d) the improvement of procedures and conditions for the international recruitment and placement of seafarers; and
- (e) workforce planning, taking account of the supply of and demand for seafarers and the requirements of the maritime industry.

TITLE 2. CONDITIONS OF EMPLOYMENT

Regulation 2.1 – Seafarers' employment agreements

Purpose: To ensure that seafarers have a fair employment agreement

1. The terms and conditions for employment of a seafarer shall be set out or referred to in a clear written legally enforceable agreement and shall be consistent with the standards set out in the Code.

2. Seafarers' employment agreements shall be agreed to by the seafarer under conditions which ensure that the seafarer has an opportunity to review and seek advice on the terms and conditions in the agreement and freely accepts them before signing.

3. To the extent compatible with the Member's national law and practice, seafarers' employment agreements shall be understood to incorporate any applicable collective bargaining agreements.

Standard A2.1 – Seafarers' employment agreements

1. Each Member shall adopt laws or regulations requiring that ships that fly its flag comply with the following requirements:

(a) seafarers working on ships that fly its flag shall have a seafarers' employment agreement signed by both the seafarer and the shipowner or a representative of the shipowner (or, where they are not employees, evidence of contractual or similar arrangements) providing them with decent working and living conditions on board the ship as required by this Convention;

(b) seafarers signing a seafarers' employment agreement shall be given an opportunity to examine and seek advice on the agreement before signing, as well as such other facilities as are necessary to ensure that they have freely entered into an agreement with a sufficient understanding of their rights and responsibilities;

(c) the shipowner and seafarer concerned shall each have a signed original of the seafarers' employment agreement;

(d) measures shall be taken to ensure that clear information as to the conditions of their employment can be easily obtained on board by seafarers, including the ship's master, and that such information, including a copy of the seafarers' employment agreement, is also accessible for review by officers of a competent authority, including those in ports to be visited; and

(e) seafarers shall be given a document containing a record of their employment on board the ship.

2. Where a collective bargaining agreement forms all or part of a seafarers' employment agreement, a copy of that agreement shall be available on board. Where the language of the seafarers' employment agreement and any applicable collective bargaining agreement is not in English, the following shall also be available in English (except for ships engaged only in domestic voyages):

3. Spodbujati je treba mednarodno sodelovanje med članicami in ustreznimi organizacijami, kot na primer:

(a) sistematično izmenjavo informacij o pomorski dejavnosti in trgu dela na dvostranski, regionalni in večstranski ravni;

(b) izmenjavo informacij o zakonodaji o pomorščakih;

(c) usklajevanje politik, delovnih metod in zakonodaje, ki ureja zaposlovanje in nameščanje pomorščakov;

(d) izboljšanje postopkov in pogojev za mednarodno zaposlovanje in nameščanje pomorščakov in

(e) načrtovanje delovne sile ob upoštevanju ponudbe pomorščakov in povpraševanja po njih ter zahtev v pomorski dejavnosti.

2. POGLAVJE: POGOJI ZAPOSLOTITVE

Pravilo 2.1 – Pogodbe o zaposlitvi pomorščakov

Namen: zagotoviti, da imajo pomorščaki pravično pogodbo o zaposlitvi

1. Pogoji zaposlitve pomorščaka so določeni ali navedeni v jasno napisani in pravno zavezujoči pogodbi ter morajo biti v skladu s standardi v kodeksu.

2. Pogodbo o zaposlitvi sklene pomorščak pod pogoji, ki mu dajejo možnost, da pred podpisom pregleda določbe in pogoje iz te pogodbe, se posvetuje o njih ter jih prostovoljno sprejme.

3. Razume se, da pogodbe o zaposlitvi pomorščakov v obsegu, združljivem s pravom in prakso članice, vključujejo vse kolektivne pogodbe, ki se uporabljajo.

Standard A 2.1 – Pogodbe o zaposlitvi pomorščakov

1. Vsaka članica sprejme zakone in druge predpise, ki zahtevajo, da ladje, ki plujejo pod njeno zastavo, izpolnjujejo te zahteve:

(a) pomorščaki, zaposleni na ladjah, ki plujejo pod njeno zastavo, imajo pogodbo o zaposlitvi pomorščakov, ki sta jo podpisala pomorščak in ladjar ali predstavnik ladjarja (ali če niso zaposleni, dokazilo o pogodbenem ali podobnem razmerju) ter ki jim zagotavlja dostojne delovne pogoje in življenjske razmere na ladji, kot to zahteva ta konvencija;

(b) pomorščaki, ki podpisujejo pogodbo o zaposlitvi, jo imajo pred podpisom možnost pregledati in se posvetovati o njej ter uporabiti druge možnosti za zagotovitev, da jo sklenejo prostovoljno in z zadostnim razumevanjem svojih pravic in obveznosti;

(c) ladjar in pomorščak prejmeta vsak svoj podpisan izvirnik pogodbe o zaposlitvi pomorščakov;

(d) sprejmejo se ukrepi, ki zagotavljajo, da lahko pomorščaki, vključno s poveljnikom ladje, na ladji brez težav pridobijo natančne informacije o pogojih zaposlitve in da so take informacije, vključno z izvodom pogodbe o zaposlitvi pomorščakov, na voljo za pregled uradnikom pristojnega organa, vključno s tistimi, ki so v pristaniščih, v katera je ladja namenjena, in

(e) pomorščaki prejmejo dokument s podatki o svoji zaposlitvi na ladji.

2. Če pogodbo o zaposlitvi pomorščakov v celoti ali delno sestavlja kolektivna pogodba, je na ladji na voljo izvod kolektivne pogodbe. Če pogodba o zaposlitvi pomorščakov in katera koli veljavna kolektivna pogodba nista v angleškem jeziku, morajo biti tudi v angleškem jeziku (razen za ladje, ki opravljajo samo notranja potovanja) na voljo:

(a) a copy of a standard form of the agreement; and
 (b) the portions of the collective bargaining agreement that are subject to a port State inspection under Regulation 5.2.

3. The document referred to in paragraph 1(e) of this Standard shall not contain any statement as to the quality of the seafarers' work or as to their wages. The form of the document, the particulars to be recorded and the manner in which such particulars are to be entered, shall be determined by national law.

4. Each Member shall adopt laws and regulations specifying the matters that are to be included in all seafarers' employment agreements governed by its national law. Seafarers' employment agreements shall in all cases contain the following particulars:

- (a) the seafarer's full name, date of birth or age, and birthplace;
- (b) the shipowner's name and address;
- (c) the place where and date when the seafarers' employment agreement is entered into;
- (d) the capacity in which the seafarer is to be employed;
- (e) the amount of the seafarer's wages or, where applicable, the formula used for calculating them;
- (f) the amount of paid annual leave or, where applicable, the formula used for calculating it;
- (g) the termination of the agreement and the conditions thereof, including:
 - (i) if the agreement has been made for an indefinite period, the conditions entitling either party to terminate it, as well as the required notice period, which shall not be less for the shipowner than for the seafarer;
 - (ii) if the agreement has been made for a definite period, the date fixed for its expiry; and
 - (iii) if the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the seafarer should be discharged;
- (h) the health and social security protection benefits to be provided to the seafarer by the shipowner;
 - (i) the seafarer's entitlement to repatriation;
 - (j) reference to the collective bargaining agreement, if applicable; and
 - (k) any other particulars which national law may require.

5. Each Member shall adopt laws or regulations establishing minimum notice periods to be given by the seafarers and shipowners for the early termination of a seafarers' employment agreement. The duration of these minimum periods shall be determined after consultation with the shipowners' and seafarers' organizations concerned, but shall not be shorter than seven days.

6. A notice period shorter than the minimum may be given in circumstances which are recognized under national law or regulations or applicable collective bargaining agreements as justifying termination of the employment agreement at shorter notice or without notice. In determining those circumstances, each Member shall ensure that the need of the seafarer to terminate, without penalty, the employment agreement on shorter notice or without notice for compassionate or other urgent reasons is taken into account.

Guideline B2.1 – Seafarers' employment agreements

Guideline B2.1.1 – Record of employment

1. In determining the particulars to be recorded in the record of employment referred to in Standard A2.1, paragraph 1(e), each Member should ensure that this document contains sufficient information, with a translation in English, to facilitate the acquisition of further work or to satisfy the sea-service requirements for upgrading or promotion. A seafarers' discharge book may satisfy the requirements of paragraph 1(e) of that Standard.

(a) izvod standardnega obrazca pogodbe in
 (b) deli kolektivne pogodbe, ki so pod nadzorom države pristanišča v skladu s pravilom 5.2.

3. Dokument iz točke e prvega odstavka tega standarda ne vsebuje ocene o kakovosti dela pomorščaka ali podatkov o plači. Oblika dokumenta, podatki, ki jih je treba vnesti, in način vnosa se določijo z notranjo zakonodajo.

4. Vsaka članica sprejme zakone in druge predpise, v katerih so podrobno opredeljene zadeve, ki jih je treba vključiti v vse pogodbe o zaposlitvi pomorščakov in jih ureja njena zakonodaja. Pogodbe o zaposlitvi pomorščakov v vsakem primeru vsebujejo:

- (a) ime in priimek, datum rojstva ali starost ter kraj rojstva pomorščaka;
- (b) ime in naslov ladjarja;
- (c) kraj in datum sklenitve pogodbe o zaposlitvi pomorščakov;
- (d) delovno mesto pomorščaka;
- (e) znesek pomorščakove plače ali morebitno formulo, ki se uporablja za njen izračun;
- (f) število dni plačanega letnega dopusta pomorščaka ali morebitno formulo, ki se uporablja za njegov izračun;
- (g) prenehanje pogodbe in pogoje prenehanja, vključno s:

- (i) pogoji, pod katerimi imata stranki pravico odpovedati pogodbo, in zahtevanim odpovednim rokom, ki za ladjarja ni krajši kot za pomorščaka, če je bila pogodba sklenjena za nedoločen čas;
- (ii) datumom, ki je določen za njeno prenehanje, če je bila pogodba sklenjena za določen čas, in
- (iii) namembnim pristaniščem in časom, ki mora poteči po prihodu, preden pomorščak preneha opravljati naloge, če je bila pogodba sklenjena za eno potovanje;
- (h) zdravstveno varstvo in socialno varnost, ki ju pomorščaku zagotovi ladjar;
 - (i) pravico pomorščaka do repatriacije;
 - (j) sklicevanje na kolektivno pogodbo, če je primerno, in
 - (k) vse druge podatke, ki se zahtevajo po notranji zakonodaji.

5. Vsaka članica sprejme zakone ali druge predpise, ki opredeljujejo najkrajše odpovedne roke, ki veljajo za pomorščake in ladjarje za predčasno prenehanje pogodbe o zaposlitvi pomorščakov. Najkrajši roki se določijo po posvetovanju z organizacijami ladjarjev in pomorščakov, vendar pa ne smejo biti krajši od sedmih dni.

6. Odpovedni rok, ki je krajši od minimalnega, se lahko določi v okoliščinah, ki jih notranji zakoni ali drugi predpisi ali veljavne kolektivne pogodbe priznavajo za upravičene za prenehanje pogodbe o zaposlitvi s krajšim odpovednim rokom ali brez roka. Pri določanju teh okoliščin vsaka članica zagotovi, da se upošteva potreba pomorščaka, da brez pogodbene kazni odpove pogodbo o zaposlitvi s krajšim odpovednim rokom ali brez odpovednega roka zaradi osebnih ali drugih nujnih razlogov.

Smernica B 2.1 – Pogodbe o zaposlitvi pomorščakov

Smernica B 2.1.1 – Podatki o zaposlitvah

1. Pri določanju podatkov, ki se vnesejo v evidenco zaposlitve iz točke e prvega odstavka standarda A 2.1, mora vsaka članica zagotoviti, da ta dokument vsebuje dovolj podatkov, vključno z angleškim prevodom, za lažjo pridobitev dela ali za izpolnitev plovne dobe za namene izpopolnjevanja ali napredovanja. Potrdilo o izkrcaju pomorščaka lahko zadosti zahtevam točke e prvega odstavka tega standarda.

Regulation 2.2 – Wages

Purpose: To ensure that seafarers are paid for their services

1. All seafarers shall be paid for their work regularly and in full in accordance with their employment agreements.

Standard A2.2 – Wages

1. Each Member shall require that payments due to seafarers working on ships that fly its flag are made at no greater than monthly intervals and in accordance with any applicable collective agreement.

2. Seafarers shall be given a monthly account of the payments due and the amounts paid, including wages, additional payments and the rate of exchange used where payment has been made in a currency or at a rate different from the one agreed to.

3. Each Member shall require that shipowners take measures, such as those set out in paragraph 4 of this Standard, to provide seafarers with a means to transmit all or part of their earnings to their families or dependants or legal beneficiaries.

4. Measures to ensure that seafarers are able to transmit their earnings to their families include:

(a) a system for enabling seafarers, at the time of their entering employment or during it, to allot, if they so desire, a proportion of their wages for remittance at regular intervals to their families by bank transfers or similar means; and

(b) a requirement that allotments should be remitted in due time and directly to the person or persons nominated by the seafarers.

5. Any charge for the service under paragraphs 3 and 4 of this Standard shall be reasonable in amount, and the rate of currency exchange, unless otherwise provided, shall, in accordance with national laws or regulations, be at the prevailing market rate or the official published rate and not unfavourable to the seafarer.

6. Each Member that adopts national laws or regulations governing seafarers' wages shall give due consideration to the guidance provided in Part B of the Code.

*Guideline B2.2 – Wages**Guideline B2.2.1 – Specific definitions*

1. For the purpose of this Guideline, the term:

(a) *able seafarer* means any seafarer who is deemed competent to perform any duty which may be required of a rating serving in the deck department, other than the duties of a supervisory or specialist rating, or who is defined as such by national laws, regulations or practice, or by collective agreement;

(b) *basic pay or wages* means the pay, however composed, for normal hours of work; it does not include payments for overtime worked, bonuses, allowances, paid leave or any other additional remuneration;

(c) *consolidated wage* means a wage or salary which includes the basic pay and other pay-related benefits; a consolidated wage may include compensation for all overtime hours which are worked and all other pay-related benefits, or it may include only certain benefits in a partial consolidation;

(d) *hours of work* means time during which seafarers are required to do work on account of the ship;

(e) *overtime* means time worked in excess of the normal hours of work.

Guideline B2.2.2 – Calculation and payment

1. For seafarers whose remuneration includes separate compensation for overtime worked:

(a) for the purpose of calculating wages, the normal hours of work at sea and in port should not exceed eight hours per day;

Pravilo 2.2 – Plače

Namen: zagotoviti, da so pomorščaki plačani za delo

1. Vsi pomorščaki morajo biti redno in v celoti plačani za delo v skladu s svojimi pogodbami o zaposlitvi.

Standard A 2.2 – Plače

1. Vsaka članica zahteva, da se plačila pomorščakom na ladjah, ki plujejo pod njeno zastavo, izplačujejo najmanj enkrat mesečno in v skladu z veljavnimi kolektivnimi pogodbami.

2. Pomorščaki prejmejo mesečni izpisek neporavnanih in prejetih plačil, vključno s plačami, dodatnimi izplačili in uporabljenim menjalnim tečajem, če je bilo plačilo opravljeno v drugi valuti ali tečaju, kot je bilo dogovorjeno.

3. Vsaka članica zahteva, da ladjarji sprejmejo ukrepe, kot so ukrepi iz četrtega odstavka tega standarda, da se pomorščakom omogoči prenos celotnega ali delnega zaslužka na njihove družine ali vzdrževane osebe ali zakonite upravičence.

4. Ukrepi, ki zagotavljajo, da lahko pomorščaki prenesejo svoj zaslužek na svoje družine, vključujejo:

(a) sistem, ki pomorščakom omogoča, da ob nastopu zaposlitve ali med zaposlitvijo, če to želijo, del svoje plače nakazujejo v rednih presledkih svojim družinam z bančnimi prenosi ali na podobne načine, in

(b) zahtevo, da se ti zneski nakazujejo pravočasno in neposredno osebi ali osebam, ki jih določijo pomorščaki.

5. Vsi stroški za storitev iz tretjega in četrtega odstavka tega standarda morajo biti razumni, menjalni tečaj valute pa mora biti, če ni določeno drugače, v skladu z notranjimi zakoni ali drugimi predpisi enak veljavnemu tržnemu tečaju ali uradno objavljenemu tečaju, ki ni neugoden za pomorščaka.

6. Članica, ki sprejme zakone ali druge predpise, ki urejajo plače pomorščakov, ustrezno upošteva usmeritve iz dela B kodeksa.

*Smernica B 2.2 – Plače**Smernica B 2.2.1 – Posebne opredelitve pojmov*

1. V tej smernici izraz:

(a) *usposobljeni pomorščak* pomeni pomorščaka, za katerega se šteje, da je sposoben opraviti katero koli nalogo, ki se lahko zahteva od pomorščaka v krovni službi, razen nalog nadzora ali posebnih nalog člana posadke, ali ki ga kot takega opredeljujejo notranji zakoni, drugi predpisi ali praksa ali kolektivna pogodba;

(b) *osnovno plačilo ali plača* pomeni plačilo za običajni delovni čas; ne vključuje plačil za opravljeno nadurno delo, nagrad, dodatkov, nadomestila za dopust ali drugih dodatnih plačil;

(c) *konsolidirana plača* pomeni plačo, ki vključuje osnovno plačo in druge prejemke; konsolidirana plača lahko vključuje plačilo za vse opravljene nadure in vse druge prejemke ali pa lahko vključuje le nekatere prejemke v primeru delne konsolidacije;

(d) *delovni čas* pomeni čas, v katerem morajo pomorščaki opravljati delo za ladjo;

(e) *nadurno delo* pomeni delo prek običajnega delovnega časa.

Smernica B 2.2.2 – Izračun in plačilo

1. Za pomorščake, katerih plačilo vključuje ločeno plačilo za opravljeno nadurno delo:

(a) običajni delovni čas na morju in v pristanišču pri obračunu plače ne sme presegati osem ur dnevno;

(b) for the purpose of calculating overtime, the number of normal hours per week covered by the basic pay or wages should be prescribed by national laws or regulations, if not determined by collective agreements, but should not exceed 48 hours per week; collective agreements may provide for a different but not less favourable treatment;

(c) the rate or rates of compensation for overtime, which should be not less than one and one-quarter times the basic pay or wages per hour, should be prescribed by national laws or regulations or by collective agreements, if applicable; and

(d) records of all overtime worked should be maintained by the master, or a person assigned by the master, and endorsed by the seafarer at no greater than monthly intervals.

2. For seafarers whose wages are fully or partially consolidated:

(a) the seafarers' employment agreement should specify clearly, where appropriate, the number of hours of work expected of the seafarer in return for this remuneration, and any additional allowances which might be due in addition to the consolidated wage, and in which circumstances;

(b) where hourly overtime is payable for hours worked in excess of those covered by the consolidated wage, the hourly rate should be not less than one and one-quarter times the basic rate corresponding to the normal hours of work as defined in paragraph 1 of this Guideline; the same principle should be applied to the overtime hours included in the consolidated wage;

(c) remuneration for that portion of the fully or partially consolidated wage representing the normal hours of work as defined in paragraph 1(a) of this Guideline should be no less than the applicable minimum wage; and

(d) for seafarers whose wages are partially consolidated, records of all overtime worked should be maintained and endorsed as provided for in paragraph 1(d) of this Guideline.

3. National laws or regulations or collective agreements may provide for compensation for overtime or for work performed on the weekly day of rest and on public holidays by at least equivalent time off duty and off the ship or additional leave in lieu of remuneration or any other compensation so provided.

4. National laws and regulations adopted after consulting the representative shipowners' and seafarers' organizations or, as appropriate, collective agreements should take into account the following principles:

(a) equal remuneration for work of equal value should apply to all seafarers employed on the same ship without discrimination based upon race, colour, sex, religion, political opinion, national extraction or social origin;

(b) the seafarers' employment agreement specifying the applicable wages or wage rates should be carried on board the ship; information on the amount of wages or wage rates should be made available to each seafarer, either by providing at least one signed copy of the relevant information to the seafarer in a language which the seafarer understands, or by posting a copy of the agreement in a place accessible to seafarers or by some other appropriate means;

(c) wages should be paid in legal tender; where appropriate, they may be paid by bank transfer, bank cheque, postal cheque or money order;

(d) on termination of engagement all remuneration due should be paid without undue delay;

(e) adequate penalties or other appropriate remedies should be imposed by the competent authority where shipowners unduly delay, or fail to make, payment of all remuneration due;

(f) wages should be paid directly to seafarers' designated bank accounts unless they request otherwise in writing;

(g) subject to subparagraph (h) of this paragraph, the shipowner should impose no limit on seafarers' freedom to dispose of their remuneration;

(b) za obračun nadurnega dela morajo običajni tedenski delovni čas, ki ga pokriva osnovna plača, določati notranji zakoni ali drugi predpisi, če ni opredeljen v kolektivnih pogodbah, vendar ne sme presegati 48 ur tedensko; kolektivne pogodbe lahko predvidevajo drugačno, vendar ne manj ugodno obravnavo;

(c) stopnjo ali stopnje plačila za nadurno delo, ki ne sme znašati manj kot 1,25-kratnik urne postavke osnovne plače, morajo, če je to potrebno, določati notranji zakoni ali drugi predpisi ali kolektivne pogodbe in

(d) evidenco o opravljenem nadurnem delu vodi poveljnik ali oseba, ki jo poveljnik pooblasti, potrditi pa jo mora pomorščak najmanj enkrat mesečno.

2. Za pomorščake, katerih plača je v celoti ali delno konsolidirana:

(a) mora pogodba o zaposlitvi pomorščakov, če je primerno, jasno določati število ur, ki jih mora pomorščak opraviti v zameno za to plačilo in v katerih okoliščinah jih mora opraviti, ter dodatke, ki so obvezni poleg konsolidirane plače;

(b) če se nadurno delo plačuje za opravljene ure, ki presegajo ure, ki jih pokriva konsolidirana plača, urna postavka ne sme znašati manj kot 1,25-kratnik osnovne stopnje, ki ustreza običajnemu delovnemu času, kot je opredeljen v prvem odstavku te smernice; isto načelo je treba uporabljati za nadurno delo, vključeno v konsolidirano plačo;

(c) plačilo deleža v celoti ali delno konsolidirane plače za običajni delovni čas, kot je opredeljen v točki a prvega odstavka te smernice, ne sme biti nižje od veljavne minimalne plače in

(d) za pomorščake z delno konsolidirano plačo se morajo voditi in potrjevati evidence za opravljeno nadurno delo, kot je predvideno v točki d prvega odstavka te smernice.

3. Notranji zakoni ali drugi predpisi ali kolektivne pogodbe lahko predvidevajo nadomestilo za nadurno delo ali delo, opravljeno na dan tedenskega počitka ali na praznik, v obliki najmanj enakovrednega časa odsotnosti z dela na ladji in zunaj nje ali dodatnega dopusta namesto plačila ali drugega nadomestila.

4. Notranji zakoni in drugi predpisi, ki se sprejmejo po posvetovanju z reprezentativnimi organizacijami ladjarjev in pomorščakov, ali po potrebi kolektivne pogodbe morajo upoštevati ta načela:

(a) načelo enakega plačila za delo enake vrednosti je treba uporabljati za vse pomorščake, ki delajo na isti ladji, brez diskriminacije na podlagi rase, barve, spola, vere, političnega prepričanja, narodnostnega ali socialnega porekla;

(b) pogodbo o zaposlitvi pomorščakov, ki podrobno opredeljuje veljavno plačo ali stopnjo plače, je treba imeti na ladji; informacije o znesku plače ali stopnji plače morajo biti na voljo vsakemu pomorščaku, tako da se mu zagotovi vsaj en podpisan izvod ustreznih informacij v jeziku, ki ga razume, ali da se pošlje izvod pogodbe na kraj, ki mu je dostopen, ali na drug ustrezen način;

(c) plače je treba izplačati v zakonitem plačilnem sredstvu; kadar je primerno, se lahko izplačajo z bančnim nakazilom, bančnim čekom, poštnim čekom ali denarnim nakazilom;

(d) ob prenehanju zaposlitve je treba vsa zapadla plačila izplačati brez nepotrebne odlašanja;

(e) pristojni organ mora določiti primerno kazen ali uporabiti druga ustrezna pravna sredstva, če ladjarji po nepotrebem odlašajo z izplačilom vseh zapadlih plačil ali če jih ne izplačajo;

(f) plače je treba izplačati neposredno na navedene bančne račune pomorščakov, razen če pomorščaki pisno ne zahtevajo drugače;

(g) z izjemo točke h tega odstavka ladjar pomorščakom ne sme naložiti nobenih omejitev glede svobodnega razpolaganja z njihovimi prejemki;

(h) deduction from remuneration should be permitted only if:

(i) there is an express provision in national laws or regulations or in an applicable collective agreement and the seafarer has been informed, in the manner deemed most appropriate by the competent authority, of the conditions for such deductions; and

(ii) the deductions do not in total exceed the limit that may have been established by national laws or regulations or collective agreements or court decisions for making such deductions;

(i) no deductions should be made from a seafarer's remuneration in respect of obtaining or retaining employment;

(j) monetary fines against seafarers other than those authorized by national laws or regulations, collective agreements or other measures should be prohibited;

(k) the competent authority should have the power to inspect stores and services provided on board ship to ensure that fair and reasonable prices are applied for the benefit of the seafarers concerned; and

(l) to the extent that seafarers' claims for wages and other sums due in respect of their employment are not secured in accordance with the provisions of the International Convention on Maritime Liens and Mortgages, 1993, such claims should be protected in accordance with the Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173).

5. Each Member should, after consulting with representative shipowners' and seafarers' organizations, have procedures to investigate complaints relating to any matter contained in this Guideline.

Guideline B2.2.3 – Minimum wages

1. Without prejudice to the principle of free collective bargaining, each Member should, after consulting representative shipowners' and seafarers' organizations, establish procedures for determining minimum wages for seafarers. Representative shipowners' and seafarers' organizations should participate in the operation of such procedures.

2. When establishing such procedures and in fixing minimum wages, due regard should be given to international labour standards concerning minimum wage fixing, as well as the following principles:

(a) the level of minimum wages should take into account the nature of maritime employment, crewing levels of ships, and seafarers' normal hours of work; and

(b) the level of minimum wages should be adjusted to take into account changes in the cost of living and in the needs of seafarers.

3. The competent authority should ensure:

(a) by means of a system of supervision and sanctions, that wages are paid at not less than the rate or rates fixed; and

(b) that any seafarers who have been paid at a rate lower than the minimum wage are enabled to recover, by an inexpensive and expeditious judicial or other procedure, the amount by which they have been underpaid.

Guideline B2.2.4 – Minimum monthly basic pay or wage figure for able seafarers

1. The basic pay or wages for a calendar month of service for an able seafarer should be no less than the amount periodically set by the Joint Maritime Commission or another body authorized by the Governing Body of the International Labour Office. Upon a decision of the Governing Body, the Director-General shall notify any revised amount to the Members of the Organization.

2. Nothing in this Guideline should be deemed to prejudice arrangements agreed between shipowners or their organizations and seafarers' organizations with regard to the regulation of standard minimum terms and conditions of employment, provided such terms and conditions are recognized by the competent authority.

(h) odtegljaji od plačil se dovolijo samo, če:

(i) je v notranjih zakonih ali drugih predpisih ali veljavni kolektivni pogodbi izrecna določba in je bil pomorščak o pogojih za odtegljaje obveščen na način, ki ga pristojni organ šteje za najustreznejšega, in

(ii) odtegljaji skupaj ne presežejo meje, ki jo lahko določijo notranji zakoni ali drugi predpisi ali kolektivne pogodbe ali sodne odločbe v zvezi s takimi odtegljaji;

(i) od plačil pomorščakov niso dovoljeni nobeni odtegljaji v zvezi s pridobitvijo ali ohranitvijo zaposlitve;

(j) prepovedane so denarne kazni za pomorščake, razen tistih, ki jih dovoljujejo notranji zakoni ali drugi predpisi, kolektivne pogodbe ali drugi ukrepi;

(k) pristojni organ mora imeti pooblastilo za nadzor nad trgovinami in storitvami na ladji, da se zagotovijo pravične in razumne cene v korist pomorščakov, in

(l) če zahtevki pomorščakov za plače in druge zapadle zneske v zvezi z njihovo zaposlitvijo niso zavarovani v skladu z določbami Mednarodne konvencije o pomorskih privilegijih in hipotekah, 1993, je treba take zahtevke zaščititi v skladu s Konvencijo o varstvu zahtevkov delavcev v primeru insolventnosti njihovega delodajalca, 1992 (št. 173).

5. Vsaka članica mora po posvetovanju z reprezentativnimi organizacijami ladjarjev in pomorščakov predvideti postopke za reševanje prijav, ki se nanašajo na katero koli zadevo iz te smernice.

Smernica B 2.2.3 – Minimalne plače

1. Brez poseganja v načelo svobodnega kolektivnega pogajanja mora vsaka članica po posvetovanju z reprezentativnimi organizacijami ladjarjev in pomorščakov vpeljati postopke za določanje minimalnih plač za pomorščake. Pri takih postopkih morajo sodelovati predstavniki organizacij ladjarjev in pomorščakov.

2. Pri vpeljavi takih postopkov in določanju minimalnih plač je treba ustrezno upoštevati mednarodne delovne standarde za določanje minimalne plače in ti dve načeli:

(a) pri stopnji minimalnih plač je treba upoštevati naravo zaposlovanja v pomorstvu, sestavo ladijske posadke in običajni delovni čas pomorščakov in

(b) stopnjo minimalnih plač je treba prilagoditi tako, da so upoštevane spremembe življenjskih stroškov in potreb pomorščakov.

3. Pristojni organ mora zagotoviti, da:

(a) se z uporabo sistema nadzora in sankcij plače izplačujejo najmanj po stopnji, ki ni manjša od določene, in

(b) se vsem pomorščakom, ki so bili plačani po nižji stopnji od minimalne plače, povrne razlika do minimalne plače s hitrim sodnim ali drugim postopkom s čim nižjimi stroški.

Smernica B 2.2.4 – Najnižji mesečni znesek osnovne plače za usposobljene pomorščake

1. Osnovna plača za koledarski mesec dela za usposobljenega pomorščaka ne sme biti manjša od zneska, ki ga redno določa Skupna pomorska komisija ali drug organ, ki ga pooblasti Administrativni svet Mednarodnega urada za delo. Na podlagi sklepa tega sveta generalni direktor uradno obvesti članice organizacije o vseh spremenjenih zneskih.

2. Nič v tej smernici ne posega v ureditev standardnih minimalnih pogojev zaposlovanja, o kateri so se dogovorili ladjarji ali njihove organizacije in organizacije pomorščakov, če pristojni organ prizna take pogoje.

Regulation 2.3 – Hours of work and hours of rest

Purpose: To ensure that seafarers have regulated hours of work or hours of rest

1. Each Member shall ensure that the hours of work or hours of rest for seafarers are regulated.

2. Each Member shall establish maximum hours of work or minimum hours of rest over given periods that are consistent with the provisions in the Code.

Standard A2.3 – Hours of work and hours of rest

1. For the purpose of this Standard, the term:

(a) *hours of work* means time during which seafarers are required to do work on account of the ship;

(b) *hours of rest* means time outside hours of work; this term does not include short breaks.

2. Each Member shall within the limits set out in paragraphs 5 to 8 of this Standard fix either a maximum number of hours of work which shall not be exceeded in a given period of time, or a minimum number of hours of rest which shall be provided in a given period of time.

3. Each Member acknowledges that the normal working hours' standard for seafarers, like that for other workers, shall be based on an eight-hour day with one day of rest per week and rest on public holidays. However, this shall not prevent the Member from having procedures to authorize or register a collective agreement which determines seafarers' normal working hours on a basis no less favourable than this standard.

4. In determining the national standards, each Member shall take account of the danger posed by the fatigue of seafarers, especially those whose duties involve navigational safety and the safe and secure operation of the ship.

5. The limits on hours of work or rest shall be as follows:

(a) maximum hours of work shall not exceed:

(i) 14 hours in any 24-hour period; and

(ii) 72 hours in any seven-day period;

or

(b) minimum hours of rest shall not be less than:

(i) ten hours in any 24-hour period; and

(ii) 77 hours in any seven-day period.

6. Hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours.

7. Musters, fire-fighting and lifeboat drills, and drills prescribed by national laws and regulations and by international instruments, shall be conducted in a manner that minimizes the disturbance of rest periods and does not induce fatigue.

8. When a seafarer is on call, such as when a machinery space is unattended, the seafarer shall have an adequate compensatory rest period if the normal period of rest is disturbed by call-outs to work.

9. If no collective agreement or arbitration award exists or if the competent authority determines that the provisions in the agreement or award in respect of paragraph 7 or 8 of this Standard are inadequate, the competent authority shall determine such provisions to ensure the seafarers concerned have sufficient rest.

10. Each Member shall require the posting, in an easily accessible place, of a table with the shipboard working arrangements, which shall contain for every position at least:

(a) the schedule of service at sea and service in port; and

(b) the maximum hours of work or the minimum hours of rest required by national laws or regulations or applicable collective agreements.

11. The table referred to in paragraph 10 of this Standard shall be established in a standardized format in the working language or languages of the ship and in English.

Pravilo 2.3 – Delovni čas in čas za počitek

Namen: zagotoviti, da imajo pomorščaki s predpisi urejen delovni čas ali čas za počitek

1. Vsaka članica zagotovi, da je delovni čas ali čas za počitek za pomorščake urejen s predpisi.

2. Vsaka članica določi najdaljši delovni čas ali najkrajši čas za počitek v posameznih obdobjih, skladnih s kodeksom.

Standard A 2.3 – Delovni čas in čas za počitek

1. V tem standardu izraz:

(a) *delovni čas* pomeni čas, v katerem morajo pomorščaki opravljati delo za ladjo;

(b) *čas za počitek* pomeni čas zunaj delovnega časa, v katerega niso vključeni kratki odmori.

2. Vsaka članica v okviru omejitev iz petega do osmega odstavka tega standarda določi najdaljši delovni čas, ki se v danem obdobju ne sme preseči, ali najkrajši čas za počitek, ki se zagotovi v danem obdobju.

3. Vsaka članica priznava, da običajni delovni čas za pomorščake tako kot za druge delavce temelji na osemurnem delovniku z enim dnevom počitka tedensko in počitkom ob praznikih. To pa članici ne preprečuje, da odobri ali registrira kolektivno pogodbo, ki določa običajni delovni čas pomorščakov, ki ni manj ugoden kot v tem standardu.

4. Vsaka članica pri določanju svojih standardov upošteva nevarnost zaradi utrujenosti pomorščakov, zlasti tistih, katerih naloge vključujejo pomorsko navigacijsko varnost in varno obratovanje ladje.

5. Omejitve delovnega časa ali počitka so:

(a) najdaljši delovni čas ne sme biti daljši od:

(i) 14 ur v 24-urnem obdobju in

(ii) 72 ur v sedemdnevem obdobju

ali

(b) najkrajši čas za počitek ne sme biti krajši od:

(i) 10 ur v 24-urnem obdobju in

(ii) 77 ur v sedemdnevem obdobju.

6. Čas za počitek se lahko razdeli v največ dve obdobji, pri čemer eno traja vsaj šest ur, presledek med zaporednima obdobjema počitka pa ne sme biti daljši od 14 ur.

7. Zbori, protipožarne vaje in vaje z rešilnimi čolni ter vaje, predpisane z notranjimi zakoni in drugimi predpisi ter mednarodnimi akti, potekajo tako, da čim manj motijo počitek in ne povzročajo utrujenosti.

8. Za čas, ko je pomorščak v pripravljenosti, na primer ko v strojnici ni nikogar, mu pripada ustrezen nadomestni počitek, če običajni počitek prekine poziv na delo.

9. Če ni niti kolektivne pogodbe niti arbitražne odločbe ali če pristojni organ ugotovi, da so določbe pogodbe ali odločitve glede na sedmi ali osmi odstavek tega standarda neustrezne, pristojni organ sprejme ustrezne spremembe, s katerimi pomorščakom zagotovi dovolj počitka.

10. Vsaka članica zahteva, da je na lahko dostopnem mestu nameščen razpored dela na ladji, v katerem sta za vsako delovno mesto navedena vsaj:

(a) čas dela na ladji in v pristanišču in

(b) najdaljši delovni čas ali najkrajši čas za počitek, ki ga zahtevajo notranji zakoni ali drugi predpisi ali veljavne kolektivne pogodbe.

11. Razpored iz desetega odstavka tega standarda je v standardizirani obliki v delovnem jeziku ali jezikih ladje in v angleščini.

12. Each Member shall require that records of seafarers' daily hours of work or of their daily hours of rest be maintained to allow monitoring of compliance with paragraphs 5 to 11 inclusive of this Standard. The records shall be in a standardized format established by the competent authority taking into account any available guidelines of the International Labour Organization or shall be in any standard format prepared by the Organization. They shall be in the languages required by paragraph 11 of this Standard. The seafarers shall receive a copy of the records pertaining to them which shall be endorsed by the master, or a person authorized by the master, and by the seafarers.

13. Nothing in paragraphs 5 and 6 of this Standard shall prevent a Member from having national laws or regulations or a procedure for the competent authority to authorize or register collective agreements permitting exceptions to the limits set out. Such exceptions shall, as far as possible, follow the provisions of this Standard but may take account of more frequent or longer leave periods or the granting of compensatory leave for watchkeeping seafarers or seafarers working on board ships on short voyages.

14. Nothing in this Standard shall be deemed to impair the right of the master of a ship to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea. Accordingly, the master may suspend the schedule of hours of work or hours of rest and require a seafarer to perform any hours of work necessary until the normal situation has been restored. As soon as practicable after the normal situation has been restored, the master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.

Guideline B2.3 – Hours of work and hours of rest

Guideline B2.3.1 – Young seafarers

1. At sea and in port the following provisions should apply to all young seafarers under the age of 18:

(a) working hours should not exceed eight hours per day and 40 hours per week and overtime should be worked only where unavoidable for safety reasons;

(b) sufficient time should be allowed for all meals, and a break of at least one hour for the main meal of the day should be assured; and

(c) a 15-minute rest period as soon as possible following each two hours of continuous work should be allowed.

2. Exceptionally, the provisions of paragraph 1 of this Guideline need not be applied if:

(a) they are impracticable for young seafarers in the deck, engine room and catering departments assigned to watchkeeping duties or working on a rostered shiftwork system; or

(b) the effective training of young seafarers in accordance with established programmes and schedules would be impaired.

3. Such exceptional situations should be recorded, with reasons, and signed by the master.

4. Paragraph 1 of this Guideline does not exempt young seafarers from the general obligation on all seafarers to work during any emergency as provided for in Standard A2.3, paragraph 14.

Regulation 2.4 – Entitlement to leave

Purpose: To ensure that seafarers have adequate leave

1. Each Member shall require that seafarers employed on ships that fly its flag are given paid annual leave under appropriate conditions, in accordance with the provisions in the Code.

12. Vsaka članica zahteva, da se vodi evidenca o dnevnem delovnem času pomorščakov ali njihovem dnevnem času za počitek skladno s petim do enajstim odstavkom tega standarda. Evidenca se vodi v standardni obliki, ki jo določi pristojni organ ob upoštevanju vseh razpoložljivih smernic Mednarodne organizacije dela, ali v kateri koli standardni obliki, ki jo pripravi organizacija. Evidenca se vodi v jezikih skladno z enajstim odstavkom tega standarda. Pomorščak prejme en izvod svoje evidence, ki jo potrdira poveljnik ali oseba, ki jo poveljnik pooblasti, in pomorščak.

13. Nič v petem in šestem odstavku tega standarda ne preprečuje članici, da sprejme notranje zakone ali druge predpise ali postopek, s katerim pristojni organ odobri ali registrira kolektivno pogodbo, ki dovoljuje izjeme od že določenih omejitev. Take izjeme so čim bolj usklajene z določbami tega standarda, lahko pa predvidijo pogostejše ali daljše dopuste ali dodelitev nadomestne odsotnosti za pomorščake na straži ali pomorščake, ki delajo na ladjah na krajših potovanjih.

14. Nič v tem standardu ne vpliva na pravico poveljnika ladje, da od pomorščaka zahteva, naj dela toliko časa, kot je potrebno za neposredno varnost ladje, oseb ali tovora na ladji ali za pomoč drugim ladjam ali osebam ob nevarnosti na morju. V skladu s tem lahko poveljnik začasno prekliche razpored delovnega časa ali časa za počitek in od pomorščaka zahteva, da dela toliko ur, da so spet vzpostavljene normalne razmere. Čim prej po vzpostavitvi normalnih razmer poveljnik zagotovi ustrezen počitek vsem pomorščakom, ki so opravljali delo v času, določenem za počitek.

Smernica B 2.3 – Delovni čas in čas za počitek

Smernica B 2.3.1 – Mladi pomorščaki

1. Na morju in v pristanišču se za vse pomorščake, mlajše od 18 let, uporabljajo te določbe:

(a) delovni čas ne sme presegati osem ur dnevno in 40 ur tedensko, nadurno delo pa se opravlja samo, če je to neizogibno zaradi varnosti;

(b) omogočiti je treba dovolj časa za vse obroke in zagotoviti najmanj enourni odmor za glavni dnevni obrok in

(c) po vsakih dveh urah neprekinjenega dela je treba čim prej dovoliti 15-minutni odmor.

2. Izjemoma določb prvega odstavka te smernice ni treba uporabljati:

(a) za mlade pomorščake na krovu, v strojnici in strežbi, ki so bili določeni za stražarjenje ali vključeni v razpored izmenskega dela, ali

(b) če bi to škodovalo učinkovitemu usposabljanju mladih pomorščakov v skladu z uveljavljenimi programi in načrti.

3. Taki izjemi z razlogi zanju je treba navesti, poveljnik pa ju mora podpisati.

4. Mladi pomorščaki po prvem odstavku te smernice niso oproščeni splošne obveznosti vseh pomorščakov, da delajo v izrednih razmerah, kot je predvideno v štirinajstem odstavku standarda A 2.3.

Pravilo 2.4 – Pravica do dopusta

Namen: zagotoviti, da imajo pomorščaki ustrezen dopust

1. Vsaka članica zahteva, da se pomorščakom, zaposlenim na ladjah, ki plujejo pod njeno zastavo, pod ustreznimi pogoji zagotovi plačani letni dopust v skladu z določbami kodeksa.

2. Seafarers shall be granted shore leave to benefit their health and well-being and consistent with the operational requirements of their positions.

Standard A2.4 – Entitlement to leave

1. Each Member shall adopt laws and regulations determining the minimum standards for annual leave for seafarers serving on ships that fly its flag, taking proper account of the special needs of seafarers with respect to such leave.

2. Subject to any collective agreement or laws or regulations providing for an appropriate method of calculation that takes account of the special needs of seafarers in this respect, the annual leave with pay entitlement shall be calculated on the basis of a minimum of 2.5 calendar days per month of employment. The manner in which the length of service is calculated shall be determined by the competent authority or through the appropriate machinery in each country. Justified absences from work shall not be considered as annual leave.

3. Any agreement to forgo the minimum annual leave with pay prescribed in this Standard, except in cases provided for by the competent authority, shall be prohibited.

Guideline B2.4 – Entitlement to leave

Guideline B2.4.1 – Calculation of entitlement

1. Under conditions as determined by the competent authority or through the appropriate machinery in each country, service off-articles should be counted as part of the period of service.

2. Under conditions as determined by the competent authority or in an applicable collective agreement, absence from work to attend an approved maritime vocational training course or for such reasons as illness or injury or for maternity should be counted as part of the period of service.

3. The level of pay during annual leave should be at the seafarer's normal level of remuneration provided for by national laws or regulations or in the applicable seafarers' employment agreement. For seafarers employed for periods shorter than one year or in the event of termination of the employment relationship, entitlement to leave should be calculated on a pro-rata basis.

4. The following should not be counted as part of annual leave with pay:

(a) public and customary holidays recognized as such in the flag State, whether or not they fall during the annual leave with pay;

(b) periods of incapacity for work resulting from illness or injury or from maternity, under conditions as determined by the competent authority or through the appropriate machinery in each country;

(c) temporary shore leave granted to a seafarer while under an employment agreement; and

(d) compensatory leave of any kind, under conditions as determined by the competent authority or through the appropriate machinery in each country.

Guideline B2.4.2 – Taking of annual leave

1. The time at which annual leave is to be taken should, unless it is fixed by regulation, collective agreement, arbitration award or other means consistent with national practice, be determined by the shipowner after consultation and, as far as possible, in agreement with the seafarers concerned or their representatives.

2. Seafarers should in principle have the right to take annual leave in the place with which they have a substantial connection, which would normally be the same as the place to which they are entitled to be repatriated. Seafarers should not be required without their consent to take annual leave due to them in another place except under the provisions of a seafarers' employment agreement or of national laws or regulations.

2. Pomorščakom se zaradi njihovega zdravja in dobrega počutja ter v skladu z zahtevami njihovega delovnega mesta odobri izhod na kopno.

Standard A 2.4 – Pravica do dopusta

1. Vsaka članica sprejme zakone in druge predpise, ki določajo minimalne standarde za letni dopust za pomorščake, zaposlene na ladjah, ki plujejo pod njeno zastavo, pri čemer se ustrezno upoštevajo posebne potrebe pomorščakov.

2. Pravica do plačanega letnega dopusta se izračuna na podlagi najmanj 2,5 koledarskega dneva na mesec zaposlitve, razen če kolektivne pogodbe ali zakoni ali drugi predpisi, ki določajo ustrezen način izračunavanja in upoštevajo posebne potrebe pomorščakov, ne določajo drugače. Način, po katerem se izračuna trajanje zaposlitve, določi pristojni organ ali se določi z ustreznim postopkom v vsaki državi. Upravičena odsotnost z dela se ne šteje za letni dopust.

3. Vsak sporazum, ki opušča minimalni plačani letni dopust, določen v tem standardu, razen v primerih, ki jih predvideva pristojni organ, je prepovedan.

Smernica B 2.4 – Pravica do dopusta

Smernica B 2.4.1 – Odmera dopusta

1. Pod pogoji, ki jih določi pristojni organ ali se določijo z ustreznimi postopki v vsaki državi, je treba obdobja, ko pomorščaki niso na ladji, šteti kot del delovne dobe.

2. Pod pogoji, ki jih določi pristojni organ ali veljavna kolektivna pogodba, se odsotnost z dela zaradi udeležbe na odobrenem pomorskem tečaju usposabljanja ali zaradi takih razlogov, kot so bolezen, poškodba ali materinstvo, šteje kot del delovne dobe.

3. Višina plačila med letnim dopustom je enaka običajni višini plačila pomorščakov, kot je predvideno v notranjih zakonih ali drugih predpisih ali veljavni pogodbi o zaposlitvi pomorščakov. Pomorščakom, ki so zaposleni za obdobja, krajša od enega leta, ali ki jim delovno razmerje preneha, se dopust odmeri sorazmerno.

4. Za del plačanega letnega dopusta se ne štejejo:

(a) prazniki in dela prosti dnevi, ki so kot taki priznani v državi zastave, ne glede na to, ali padejo v obdobje plačanega letnega dopusta;

(b) obdobja nezmožnosti za delo, ki so posledica bolezni ali poškodbe ali materinstva, pod pogoji, ki jih določi pristojni organ ali so določeni z ustreznimi postopki v vsaki državi;

(c) začasen izhod na kopno, odobren pomorščaku med pogodbo o zaposlitvi, in

(d) nadomestni dopust katere koli vrste pod pogoji, ki jih določi pristojni organ ali se določijo z ustreznimi postopki v vsaki državi.

Smernica B 2.4.2 – Izraba letnega dopusta

1. Čas izrabe letnega dopusta mora, razen če to ni določeno s predpisom, kolektivno pogodbo, arbitražno odločbo ali na kakšen drug način, skladen z notranjo prakso, opredeliti ladjar po posvetovanju in po možnosti v dogovoru s pomorščaki ali njihovimi predstavniki.

2. Pomorščaki morajo načeloma imeti pravico do izrabe letnega dopusta v kraju, s katerim so tesno povezani, kar je običajno isti kraj, v katerega imajo pravico biti repatriirani. Od pomorščakov se ne sme zahtevati, da izrabijo letni dopust, ki jim pripada, v drugem kraju, ne da bi s tem soglašali, razen če je to v skladu s pogodbo o zaposlitvi pomorščakov ali notranjimi zakoni ali drugimi predpisi.

3. If seafarers are required to take their annual leave from a place other than that permitted by paragraph 2 of this Guideline, they should be entitled to free transportation to the place where they were engaged or recruited, whichever is nearer their home; subsistence and other costs directly involved should be for the account of the shipowner; the travel time involved should not be deducted from the annual leave with pay due to the seafarer.

4. A seafarer taking annual leave should be recalled only in cases of extreme emergency and with the seafarer's consent.

Guideline B2.4.3 – Division and accumulation

1. The division of the annual leave with pay into parts, or the accumulation of such annual leave due in respect of one year together with a subsequent period of leave, may be authorized by the competent authority or through the appropriate machinery in each country.

2. Subject to paragraph 1 of this Guideline and unless otherwise provided in an agreement applicable to the shipowner and the seafarer concerned, the annual leave with pay recommended in this Guideline should consist of an uninterrupted period.

Guideline B2.4.4 – Young seafarers

1. Special measures should be considered with respect to young seafarers under the age of 18 who have served six months or any other shorter period of time under a collective agreement or seafarers' employment agreement without leave on a foreign-going ship which has not returned to their country of residence in that time, and will not return in the subsequent three months of the voyage. Such measures could consist of their repatriation at no expense to themselves to the place of original engagement in their country of residence for the purpose of taking any leave earned during the voyage.

Regulation 2.5 – Repatriation

Purpose: To ensure that seafarers are able to return home

1. Seafarers have a right to be repatriated at no cost to themselves in the circumstances and under the conditions specified in the Code.

2. Each Member shall require ships that fly its flag to provide financial security to ensure that seafarers are duly repatriated in accordance with the Code.

Standard A2.5 – Repatriation

1. Each Member shall ensure that seafarers on ships that fly its flag are entitled to repatriation in the following circumstances:

(a) if the seafarers' employment agreement expires while they are abroad;

(b) when the seafarers' employment agreement is terminated:

(i) by the shipowner; or

(ii) by the seafarer for justified reasons; and also

(c) when the seafarers are no longer able to carry out their duties under their employment agreement or cannot be expected to carry them out in the specific circumstances.

2. Each Member shall ensure that there are appropriate provisions in its laws and regulations or other measures or in collective bargaining agreements, prescribing:

(a) the circumstances in which seafarers are entitled to repatriation in accordance with paragraph 1(b) and (c) of this Standard;

(b) the maximum duration of service periods on board following which a seafarer is entitled to repatriation – such periods to be less than 12 months; and

3. Če se od pomorščakov zahteva, da nastopijo letni dopust v kraju, ki ni kraj, ki ga dovoljuje drugi odstavek te smernice, imajo pomorščaki pravico do brezplačnega prevoza do kraja, v katerem so bili najeti ali zaposleni, kar od tega je bližje njihovemu domu; dnevnice in druge neposredno s tem povezane stroške krije ladjar; čas potovanja se ne sme odšteti od plačanega letnega dopusta, do katerega je upravičen pomorščak.

4. Pomorščaka na letnem dopustu lahko pokličejo na delo samo v izrednih razmerah in z njegovim soglasjem.

Smernica B 2.4.3 – Delitev in združevanje

1. Delitev plačanega letnega dopusta ali združevanje pripadajočega letnega dopusta z dopustom za naslednje leto lahko odobri pristojni organ ali se to določi z ustreznimi postopki v vsaki državi.

2. Razen če prvi odstavek te smernice in pogodba, ki velja za ladjarja in pomorščaka, ne določata drugače, naj bi plačani letni dopust, priporočen v tej smernici, trajal neprekinjeno.

Smernica B 2.4.4 – Mladi pomorščaki

1. Predvideti je treba posebne ukrepe za pomorščake, mlajše od 18 let, ki so bili šest mesecev ali krajše obdobje zaposleni na podlagi kolektivne pogodbe ali pogodbe o zaposlitvi pomorščakov brez dopusta na ladji, ki pluje v tujini, ter se v tem času ni vrnila v državo njihovega prebivališča in se ne bo vrnila niti v nadaljnjih treh mesecih potovanja. Taki ukrepi naj bi jim brez stroškov zanje omogočili repatriacijo do kraja začetnega nastopa dela v državi njihovega prebivališča, da bi lahko izrabili med potovanjem pridobljen dopust.

Pravilo 2.5 – Repatriacija

Namen: zagotoviti, da se pomorščaki lahko vrnejo domov

1. Pomorščaki imajo pravico do brezplačne repatriacije v okoliščinah in pod pogoji iz kodeksa.

2. Vsaka članica zahteva od ladij, ki plujejo pod njeno zastavo, predložitev finančnega jamstva za zagotovitev ustrezne repatriacije pomorščakov v skladu s kodeksom.

Standard A 2.5 – Repatriacija

1. Vsaka članica zagotovi, da imajo pomorščaki na ladjah, ki plujejo pod njeno zastavo, pravico do repatriacije v teh okoliščinah:

(a) če pogodba o zaposlitvi pomorščakov poteče, ko so v tujini;

(b) če pogodbo o zaposlitvi pomorščakov odpove:

(i) ladjar ali

(ii) pomorščak zaradi utemeljenih razlogov in tudi

(c) če pomorščaki niso več sposobni izpolnjevati svojih nalog iz pogodbe o zaposlitvi ali če od njih ni mogoče pričakovati, da jih bodo opravljali v danih okoliščinah.

2. Vsaka članica zagotovi, da so v njenih zakonih in drugih predpisih ali drugih ukrepih ali kolektivnih pogodbah ustrezne določbe, ki določajo:

(a) okoliščine, v katerih so pomorščaki upravičeni do repatriacije v skladu s točkama b in c prvega odstavka tega standarda;

(b) najdaljše obdobje zaposlitve na ladji, po katerem je pomorščak upravičen do repatriacije – tako obdobje ne sme biti daljše od 12 mesecev, in

(c) the precise entitlements to be accorded by shipowners for repatriation, including those relating to the destinations of repatriation, the mode of transport, the items of expense to be covered and other arrangements to be made by shipowners.

3. Each Member shall prohibit shipowners from requiring that seafarers make an advance payment towards the cost of repatriation at the beginning of their employment, and also from recovering the cost of repatriation from the seafarers' wages or other entitlements except where the seafarer has been found, in accordance with national laws or regulations or other measures or applicable collective bargaining agreements, to be in serious default of the seafarer's employment obligations.

4. National laws and regulations shall not prejudice any right of the shipowner to recover the cost of repatriation under third-party contractual arrangements.

5. If a shipowner fails to make arrangements for or to meet the cost of repatriation of seafarers who are entitled to be repatriated:

(a) the competent authority of the Member whose flag the ship flies shall arrange for repatriation of the seafarers concerned; if it fails to do so, the State from which the seafarers are to be repatriated or the State of which they are a national may arrange for their repatriation and recover the cost from the Member whose flag the ship flies;

(b) costs incurred in repatriating seafarers shall be recoverable from the shipowner by the Member whose flag the ship flies;

(c) the expenses of repatriation shall in no case be a charge upon the seafarers, except as provided for in paragraph 3 of this Standard.

6. Taking into account applicable international instruments, including the International Convention on Arrest of Ships, 1999, a Member which has paid the cost of repatriation pursuant to this Code may detain, or request the detention of, the ships of the shipowner concerned until the reimbursement has been made in accordance with paragraph 5 of this Standard.

7. Each Member shall facilitate the repatriation of seafarers serving on ships which call at its ports or pass through its territorial or internal waters, as well as their replacement on board.

8. In particular, a Member shall not refuse the right of repatriation to any seafarer because of the financial circumstances of a shipowner or because of the shipowner's inability or unwillingness to replace a seafarer.

9. Each Member shall require that ships that fly its flag carry and make available to seafarers a copy of the applicable national provisions regarding repatriation written in an appropriate language.

Guideline B2.5 – Repatriation

Guideline B2.5.1 – Entitlement

1. Seafarers should be entitled to repatriation:

(a) in the case covered by Standard A2.5, paragraph 1(a), upon the expiry of the period of notice given in accordance with the provisions of the seafarers' employment agreement;

(b) in the cases covered by Standard A2.5, paragraph 1(b) and (c):

(i) in the event of illness or injury or other medical condition which requires their repatriation when found medically fit to travel;

(ii) in the event of shipwreck;

(iii) in the event of the shipowner not being able to continue to fulfil their legal or contractual obligations as an employer of the seafarers by reason of insolvency, sale of ship, change of ship's registration or any other similar reason;

(iv) in the event of a ship being bound for a war zone, as defined by national laws or regulations or seafarers' employment agreements, to which the seafarer does not consent to go; and

(c) natančno opredeljene pravice, ki jih za repatriacijo zagotavljajo ladjarji, vključno s tistimi, ki se nanašajo na namembni kraj repatriacije, način prevoza, stroškovne postavke in druge ukrepe, ki jih morajo sprejeti.

3. Vsaka članica prepove ladjarjem, da od pomorščakov zahtevajo, naj zagotovijo predplačilo za kritje stroškov repatriacije na začetku zaposlitve, ter da odštejejo stroške repatriacije od plač pomorščakov ali drugih pravic, razen če se v skladu z notranjimi zakoni ali drugimi predpisi ali drugimi ukrepi ali veljavnimi kolektivnimi pogodbami ugotovi, da pomorščak hudo krši svoje zaposlitvene obveznosti.

4. Notranji zakoni in drugi predpisi ne posegajo v pravice ladjarja, da dobi povrnjene stroške repatriacije po pogodbenih dogovorih s tretjimi stranmi.

5. Če ladjar ne sprejme potrebnih ukrepov za repatriacijo ali kritje stroškov repatriacije pomorščakov, do katere so upravičeni:

(a) pristojni organ članice, pod katere zastavo pluje ladja, stori vse potrebno za repatriacijo pomorščakov; če tega ne stori, lahko država, iz katere bodo repatriirani pomorščaki, ali država, katere državljani so, poskrbi za njihovo repatriacijo in dobi povrnjene stroške od članice, pod katere zastavo pluje ladja;

(b) ladjar povrne članici, pod katere zastavo pluje ladja, stroške, ki nastanejo pri repatriaciji pomorščakov;

(c) se stroški za repatriacijo v nobenem primeru ne zaračunajo pomorščakom, razen kot je določeno v tretjem odstavku tega standarda.

6. Ob upoštevanju veljavnih mednarodnih aktov, vključno z Mednarodno konvencijo o zaustavitvi ladje, 1999, lahko članica, ki je plačala stroške repatriacije po tem kodeksu, zadrži ladjo ladjarja ali zahteva njeno zadržanje, dokler se ne povrnejo stroški v skladu s petim odstavkom tega standarda.

7. Vsaka članica olajša repatriacijo pomorščakov, zaposlenih na ladjah, ki se ustavijo v njenih pristaniščih ali prečkajo njeno teritorialno morje ali notranje morske vode, in njihovo nadomestitev na ladji.

8. Zlasti članice nobenemu pomorščaku ne odrečejo pravice do repatriacije zaradi finančnega položaja ladjarja ali nezmožnosti ali nepripravljenosti ladjarja, da nadomesti pomorščaka.

9. Vsaka članica zahteva, da je na ladjah, ki plujejo pod njeno zastavo, izvod veljavnih notranjih določb o repatriaciji na voljo pomorščakom v ustreznem jeziku.

Smernica B 2.5 – Repatriacija

Smernica B 2.5.1 – Pravica do repatriacije

1. Pomorščaki imajo pravico do repatriacije:

(a) po točki a prvega odstavka standarda A 2.5 po poteku odpovednega roka v skladu z določbami pogodbe o zaposlitvi pomorščakov;

(b) po točkah b in c prvega odstavka standarda A 2.5:

(i) zaradi bolezni ali poškodbe ali drugega zdravstvenega stanja, ki zahteva repatriacijo, ko so zdravstveno sposobni za potovanje;

(ii) zaradi brodoloma;

(iii) če ladjar ni več sposoben izpolnjevati svojih zakonskih ali pogodbenih obveznosti kot delodajalec pomorščakov zaradi plačilne nesposobnosti, prodaje ladje, spremembe vpisa ladje v register ali podobnega razloga;

(iv) če je ladja namenjena na vojno območje, kot ga opredeljujejo notranji zakoni ali drugi predpisi ali pogodbe o zaposlitvi pomorščakov, kadar se pomorščak ne strinja z odhodom na to območje, in

(v) in the event of termination or interruption of employment in accordance with an industrial award or collective agreement, or termination of employment for any other similar reason.

2. In determining the maximum duration of service periods on board following which a seafarer is entitled to repatriation, in accordance with this Code, account should be taken of factors affecting the seafarers' working environment. Each Member should seek, wherever possible, to reduce these periods in the light of technological changes and developments and might be guided by any recommendations made on the matter by the Joint Maritime Commission.

3. The costs to be borne by the shipowner for repatriation under Standard A2.5 should include at least the following:

(a) passage to the destination selected for repatriation in accordance with paragraph 6 of this Guideline;

(b) accommodation and food from the moment the seafarers leave the ship until they reach the repatriation destination;

(c) pay and allowances from the moment the seafarers leave the ship until they reach the repatriation destination, if provided for by national laws or regulations or collective agreements;

(d) transportation of 30 kg of the seafarers' personal luggage to the repatriation destination; and

(e) medical treatment when necessary until the seafarers are medically fit to travel to the repatriation destination.

4. Time spent awaiting repatriation and repatriation travel time should not be deducted from paid leave accrued to the seafarers.

5. Shipowners should be required to continue to cover the costs of repatriation until the seafarers concerned are landed at a destination prescribed pursuant to this Code or are provided with suitable employment on board a ship proceeding to one of those destinations.

6. Each Member should require that shipowners take responsibility for repatriation arrangements by appropriate and expeditious means. The normal mode of transport should be by air. The Member should prescribe the destinations to which seafarers may be repatriated. The destinations should include the countries with which seafarers may be deemed to have a substantial connection including:

(a) the place at which the seafarer agreed to enter into the engagement;

(b) the place stipulated by collective agreement;

(c) the seafarer's country of residence; or

(d) such other place as may be mutually agreed at the time of engagement.

7. Seafarers should have the right to choose from among the prescribed destinations the place to which they are to be repatriated.

8. The entitlement to repatriation may lapse if the seafarers concerned do not claim it within a reasonable period of time to be defined by national laws or regulations or collective agreements.

Guideline B2.5.2 – Implementation by Members

1. Every possible practical assistance should be given to a seafarer stranded in a foreign port pending repatriation and in the event of delay in the repatriation of the seafarer, the competent authority in the foreign port should ensure that the consular or local representative of the flag State and the seafarer's State of nationality or State of residence, as appropriate, is informed immediately.

2. Each Member should have regard to whether proper provision is made:

(a) for the return of seafarers employed on a ship that flies the flag of a foreign country who are put ashore in a foreign port for reasons for which they are not responsible:

(v) zaradi prenehanja ali prekinitve delovnega razmerja v skladu z arbitražno odločbo ali kolektivno pogodbo ali zaradi prenehanja delovnega razmerja iz podobnih razlogov.

2. Pri določanju najdaljših obdobij dela na ladji, po katerih ima pomorščak pravico do repatriacije v skladu s tem kodeksom, je treba upoštevati dejavnike, ki vplivajo na delovno okolje pomorščakov. Kadar je mogoče, si mora vsaka članica prizadevati skrajšati ta obdobja zaradi tehnoloških sprememb in razvoja, pri čemer se lahko upoštevajo priporočila, ki jih je o tem predložila Skupna pomorska komisija.

3. Stroški, ki jih za repatriacijo po standardu A 2.5 krije ladjar, morajo vključevati vsaj:

(a) prevoz do izbranega namembnega kraja za repatriacijo v skladu s šestim odstavkom te smernice;

(b) nastanitev in hrano od trenutka, ko pomorščak zapusti ladjo, do takrat, dokler ne prispe v namembni kraj repatriacije;

(c) plačilo in dodatke od trenutka, ko pomorščak zapusti ladjo, do takrat, dokler ne prispe v namembni kraj repatriacije, če je to določeno v notranjih zakonih in drugih predpisih ali kolektivnih pogodbah;

(d) prevoz 30 kg osebne prtljage pomorščaka v namembni kraj repatriacije in

(e) potrebno zdravstveno oskrbo, dokler pomorščak ni zdravstveno sposoben za potovanje v namembni kraj repatriacije.

4. Čakanje na repatriacijo in čas potovanja se ne smeta odšteti od plačanega dopusta, ki pripada pomorščaku.

5. Od ladjarjev je treba zahtevati, da krijejo stroške repatriacije, dokler pomorščak ne prispe v namembni kraj po tem kodeksu ali dokler se jim ne zagotovi primerna zaposlitev na ladji, ki je namenjena v namembni kraj.

6. Vsaka članica mora zahtevati, da ladjarji prevzamejo odgovornost za ustrezno in hitro organizacijo repatriacije. Običajen prevoz je po zraku. Članica mora določiti namembne kraje, v katere je mogoče repatriirati pomorščaka. Namembni kraji morajo vključevati države, s katerimi je pomorščak tesno povezan, vključno s:

(a) krajem, v katerem se je pomorščak strinjal z zaposlitvijo;

(b) krajem, določenim v kolektivni pogodbi;

(c) državo prebivališča pomorščaka ali

(d) drugim krajem, ki je lahko določen ob zaposlitvi.

7. Pomorščak mora imeti pravico do izbire med določenimi namembnimi kraji, v katere bo repatriiran.

8. Pravica do repatriacije lahko zastara, če je pomorščak ne uveljavi v razumnem roku, določenem v notranjih zakonih ali drugih predpisih ali kolektivnih pogodbah.

Smernica B 2.5.2 – Izvajanje

1. Pomorščaku, ki je ostal v tujem pristanišču, ker čaka na repatriacijo, je treba zagotoviti vse oblike praktične pomoči, ob zamudi pri repatriaciji pa mora pristojni organ v tujem pristanišču zagotoviti, da sta nemudoma obveščena konzularni ali lokalni predstavnik države zastave in država, v kateri ima pomorščak prebivališče ali katere državljan je.

2. Vsaka članica mora zagotoviti, da se sprejmejo ustrezni ukrepi za:

(a) vrnitev pomorščakov, zaposlenih na ladji, ki pluje pod zastavo tuje države, in izkrcanih v tujem pristanišču zaradi razlogov, za katere niso odgovorni:

(i) to the port at which the seafarer concerned was engaged; or

(ii) to a port in the seafarer's State of nationality or State of residence, as appropriate; or

(iii) to another port agreed upon between the seafarer and the master or shipowner, with the approval of the competent authority or under other appropriate safeguards;

(b) for medical care and maintenance of seafarers employed on a ship that flies the flag of a foreign country who are put ashore in a foreign port in consequence of sickness or injury incurred in the service of the ship and not due to their own wilful misconduct.

3. If, after young seafarers under the age of 18 have served on a ship for at least four months during their first foreign-going voyage, it becomes apparent that they are unsuited to life at sea, they should be given the opportunity of being repatriated at no expense to themselves from the first suitable port of call in which there are consular services of the flag State, or the State of nationality or residence of the young seafarer. Notification of any such repatriation, with the reasons therefor, should be given to the authority which issued the papers enabling the young seafarers concerned to take up seagoing employment.

Regulation 2.6 – Seafarer compensation for the ship's loss or foundering

Purpose: To ensure that seafarers are compensated when a ship is lost or has foundered

1. Seafarers are entitled to adequate compensation in the case of injury, loss or unemployment arising from the ship's loss or foundering.

Standard A2.6 – Seafarer compensation for the ship's loss or foundering

1. Each Member shall make rules ensuring that, in every case of loss or foundering of any ship, the shipowner shall pay to each seafarer on board an indemnity against unemployment resulting from such loss or foundering.

2. The rules referred to in paragraph 1 of this Standard shall be without prejudice to any other rights a seafarer may have under the national law of the Member concerned for losses or injuries arising from a ship's loss or foundering.

Guideline B2.6 – Seafarer compensation for the ship's loss or foundering

Guideline B2.6.1 – Calculation of indemnity against unemployment

1. The indemnity against unemployment resulting from a ship's foundering or loss should be paid for the days during which the seafarer remains in fact unemployed at the same rate as the wages payable under the employment agreement, but the total indemnity payable to any one seafarer may be limited to two months' wages.

2. Each Member should ensure that seafarers have the same legal remedies for recovering such indemnities as they have for recovering arrears of wages earned during the service.

Regulation 2.7 – Manning levels

Purpose: To ensure that seafarers work on board ships with sufficient personnel for the safe, efficient and secure operation of the ship

1. Each Member shall require that all ships that fly its flag have a sufficient number of seafarers employed on board to ensure that ships are operated safely, efficiently and with due regard to security under all conditions, taking into account concerns about seafarer fatigue and the particular nature and conditions of the voyage.

(i) v pristanišče, v katerem je bil pomorščak zaposlen, ali

(ii) v pristanišče v državi, katere državljan je pomorščak, ali v državi, v kateri ima prebivališče, ali

(iii) v drugo pristanišče, za katero se dogovorita pomorščak in poveljnik ali ladjar z odobritvijo pristojnega organa ali uporabo drugih primernih zaščitnih ukrepov;

(b) zdravstveno oskrbo in vzdrževanje pomorščakov, zaposlenih na ladji, ki pluje pod zastavo tuje države, in izkranih v tujem pristanišču zaradi bolezni ali poškodbe, ki nastane med delom na ladji in ne zaradi njihovega naklepnega ravnanja.

3. Če se po najmanj štirimesečni zaposlitvi pomorščakov, mlajših od 18 let, na ladji med njihovim prvim potovanjem v tujino izkaže, da ti pomorščaki niso primerni za življenje na morju, morajo imeti možnost za brezplačno repatriacijo iz prvega primerne pristanišča pristanka, v katerem je konzularno predstavništvo države zastave ali države, katere državljan je mladi pomorščak, ali države, v kateri ima prebivališče. Obvestilo o taki repatriaciji in razlogih zanjo je treba predložiti organu, ki je mladim pomorščakom izdal dokumente za zaposlitev na morju.

Pravilo 2.6 – Odškodnina pomorščakom ob izgubi ali potopitvi ladje

Namen: zagotoviti, da pomorščaki dobijo odškodnino ob izgubi ali potopitvi ladje

1. Pomorščaki imajo pravico do primerne odškodnine ob poškodbah, izgubi ali brezposelnosti, ki nastane ob izgubi ali potopitvi ladje.

Standard A 2.6 – Odškodnina pomorščakom ob izgubi ali potopitvi ladje

1. Vsaka članica mora sprejeti pravila, ki zagotavljajo, da ob izgubi ali potopitvi ladje ladjar vsakemu pomorščaku na ladji izplača odškodnino zaradi brezposelnosti, ki je posledica take izgube ali potopitve.

2. Pravila iz prvega odstavka tega standarda ne posegajo v druge pravice, ki jih lahko ima pomorščak po notranji zakonodaji članice ob izgubi ali poškodbi, ki je posledica izgube ali potopitve ladje.

Smernica B 2.6 – Odškodnina pomorščakom ob izgubi ali potopitvi ladje

Smernica B 2.6.1 – Izračun odškodnine zaradi brezposelnosti

1. Odškodnino zaradi brezposelnosti, ki je posledica potopitve ali izgube ladje, je treba izplačati za dneve, ko je pomorščak dejansko brezposeln, po isti stopnji kot plačo, ki se mu izplača po pogodbi o zaposlitvi, vendar je lahko skupna odškodnina, ki se mu izplača, omejena na dvomesečno plačo.

2. Vsaka članica mora zagotoviti, da imajo pomorščaki enaka pravna sredstva za izterjavo takih odškodnin, kot jih imajo za izterjavo zapadlih plač, zasluženih med zaposlitvijo.

Pravilo 2.7 – Število članov ladijske posadke

Namen: zagotoviti, da pomorščaki delajo na ladji z zadostnim številom članov ladijske posadke za varno, učinkovito in zanesljivo obratovanje ladje

1. Vsaka članica zahteva, da imajo vse ladje, ki plujejo pod njeno zastavo, dovolj zaposlenih pomorščakov za zagotovitev, da ladje obratujejo varno, učinkovito in zanesljivo v vseh okoliščinah, pri čemer je treba upoštevati utrujenost pomorščakov, posebno naravo in okoliščine potovanja.

Standard A2.7 – Manning levels

1. Each Member shall require that all ships that fly its flag have a sufficient number of seafarers on board to ensure that ships are operated safely, efficiently and with due regard to security. Every ship shall be manned by a crew that is adequate, in terms of size and qualifications, to ensure the safety and security of the ship and its personnel, under all operating conditions, in accordance with the minimum safe manning document or an equivalent issued by the competent authority, and to comply with the standards of this Convention.

2. When determining, approving or revising manning levels, the competent authority shall take into account the need to avoid or minimize excessive hours of work to ensure sufficient rest and to limit fatigue, as well as the principles in applicable international instruments, especially those of the International Maritime Organization, on manning levels.

3. When determining manning levels, the competent authority shall take into account all the requirements within Regulation 3.2 and Standard A3.2 concerning food and catering.

*Guideline B2.7 – Manning levels**Guideline B2.7.1 – Dispute settlement*

1. Each Member should maintain, or satisfy itself that there is maintained, efficient machinery for the investigation and settlement of complaints or disputes concerning the manning levels on a ship.

2. Representatives of shipowners' and seafarers' organizations should participate, with or without other persons or authorities, in the operation of such machinery.

Regulation 2.8 – Career and skill development and opportunities for seafarers' employment

Purpose: To promote career and skill development and employment opportunities for seafarers

1. Each Member shall have national policies to promote employment in the maritime sector and to encourage career and skill development and greater employment opportunities for seafarers domiciled in its territory.

Standard A2.8 – Career and skill development and employment opportunities for seafarers

1. Each Member shall have national policies that encourage career and skill development and employment opportunities for seafarers, in order to provide the maritime sector with a stable and competent workforce.

2. The aim of the policies referred to in paragraph 1 of this Standard shall be to help seafarers strengthen their competencies, qualifications and employment opportunities.

3. Each Member shall, after consulting the shipowners' and seafarers' organizations concerned, establish clear objectives for the vocational guidance, education and training of seafarers whose duties on board ship primarily relate to the safe operation and navigation of the ship, including ongoing training.

*Guideline B2.8 – Career and skill development and employment opportunities for seafarers**Guideline B2.8.1 – Measures to promote career and skill development and employment opportunities for seafarers*

1. Measures to achieve the objectives set out in Standard A2.8 might include:

(a) agreements providing for career development and skills training with a shipowner or an organization of shipowners; or

Standard A 2.7 – Število članov ladijske posadke

1. Vsaka članica zahteva, da imajo vse ladje, ki plujejo pod njeno zastavo, dovolj zaposlenih pomorščakov za zagotovitev, da ladje obratujejo varno, učinkovito in zanesljivo. Vsaka ladja ima posadko, ki po velikosti in usposobljenosti zagotavlja varnost in zaščito ladje in njenega osebja v vseh okoliščinah obratovanja v skladu z dokumentom o najmanjšem varnem številu članov posadke ali enakovrednim dokumentom, ki ga izda pristojni organ, in ob upoštevanju standardov te konvencije.

2. Pri določitvi, potrditvi ali spremembi števila članov ladijske posadke pristojni organ upošteva potrebo po izogibanju ali zmanjšanju čezmernega dela, da se zagotovi dovolj počitka in omeji utrujenost, ter načela iz veljavnih mednarodnih aktov, zlasti aktov Mednarodne pomorske organizacije o številu članov ladijske posadke.

3. Pri določitvi števila članov ladijske posadke pristojni organ upošteva vse zahteve iz pravila 3.2 in standarda A 3.2 o prehrani in oskrbi.

*Smernica B 2.7 – Število članov ladijske posadke**Smernica B 2.7.1 – Reševanje sporov*

1. Za preiskavo in reševanje prijav ali sporov zaradi števila članov posadke na ladji mora vsaka članica imeti ali vpeljati učinkovit mehanizem.

2. Predstavniki organizacij ladjarjev in pomorščakov morajo pri delovanju takega mehanizma sodelovati z drugimi osebami ali organi ali brez njih.

Pravilo 2.8 – Poklicni razvoj, razvoj spretnosti in možnosti za zaposlitev pomorščakov

Namen: spodbujati poklicni razvoj, razvoj spretnosti in zaposlitvene možnosti za pomorščake

1. Vsaka članica ima svojo politiko za spodbujanje zaposlovanja v pomorstvu ter poklicnega razvoja, razvoja spretnosti in večjih zaposlitvenih možnosti za pomorščake s prebivališčem na njenem ozemlju.

Standard A 2.8 – Poklicni razvoj in razvoj spretnosti in zaposlitvene možnosti za pomorščake

1. Vsaka članica ima svojo politiko, ki spodbuja poklicni razvoj, razvoj spretnosti in zaposlitvene možnosti za pomorščake za zagotavljanje stalne in usposobljene delovne sile za pomorstvo.

2. Cilj politike iz prvega odstavka tega standarda je pomagati pomorščakom, da okrepijo svoje sposobnosti, usposobljenost in zaposlitvene možnosti.

3. Vsaka članica po posvetovanju z organizacijami ladjarjev in pomorščakov oblikuje jasne cilje za poklicno usmerjanje, izobraževanje in usposabljanje pomorščakov, katerih dolžnosti na ladji se nanašajo predvsem na varno obratovanje in plovbo ladje, vključno s stalnim usposabljanjem.

*Smernica B 2.8 – Poklicni razvoj, razvoj spretnosti in zaposlitvene možnosti za pomorščake**Smernica B 2.8.1 – Ukrepi za spodbujanje poklicnega razvoja, razvoja spretnosti in zaposlitvenih možnosti za pomorščake*

1. Ukrepi za doseganje ciljev iz standarda A 2.8 lahko vključujejo:

(a) sporazume z ladjarjem ali organizacijo ladjarjev, ki zagotavljajo poklicni razvoj in pridobivanje znanja ter izkušnje, ali

(b) arrangements for promoting employment through the establishment and maintenance of registers or lists, by categories, of qualified seafarers; or

(c) promotion of opportunities, both on board and ashore, for further training and education of seafarers to provide for skill development and portable competencies in order to secure and retain decent work, to improve individual employment prospects and to meet the changing technology and labour market conditions of the maritime industry.

Guideline B2.8.2 – Register of seafarers

1. Where registers or lists govern the employment of seafarers, these registers or lists should include all occupational categories of seafarers in a manner determined by national law or practice or by collective agreement.

2. Seafarers on such a register or list should have priority of engagement for seafaring.

3. Seafarers on such a register or list should be required to be available for work in a manner to be determined by national law or practice or by collective agreement.

4. To the extent that national laws or regulations permit, the number of seafarers on such registers or lists should be periodically reviewed so as to achieve levels adapted to the needs of the maritime industry.

5. When a reduction in the number of seafarers on such a register or list becomes necessary, all appropriate measures should be taken to prevent or minimize detrimental effects on seafarers, account being taken of the economic and social situation of the country concerned.

TITLE 3. ACCOMMODATION, RECREATIONAL FACILITIES, FOOD AND CATERING

Regulation 3.1 – Accommodation and recreational facilities

Purpose: To ensure that seafarers have decent accommodation and recreational facilities on board

1. Each Member shall ensure that ships that fly its flag provide and maintain decent accommodations and recreational facilities for seafarers working or living on board, or both, consistent with promoting the seafarers' health and well-being.

2. The requirements in the Code implementing this Regulation which relate to ship construction and equipment apply only to ships constructed on or after the date when this Convention comes into force for the Member concerned. For ships constructed before that date, the requirements relating to ship construction and equipment that are set out in the Accommodation of Crews Convention (Revised), 1949 (No. 92), and the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133), shall continue to apply to the extent that they were applicable, prior to that date, under the law or practice of the Member concerned. A ship shall be deemed to have been constructed on the date when its keel is laid or when it is at a similar stage of construction.

3. Unless expressly provided otherwise, any requirement under an amendment to the Code relating to the provision of seafarer accommodation and recreational facilities shall apply only to ships constructed on or after the amendment takes effect for the Member concerned.

Standard A3.1 – Accommodation and recreational facilities

1. Each Member shall adopt laws and regulations requiring that ships that fly its flag:

(a) meet minimum standards to ensure that any accommodation for seafarers, working or living on board, or both, is safe, decent and in accordance with the relevant provisions of this Standard; and

(b) ukrepe za spodbujanje zaposlovanja z vzpostavitvijo in vzdrževanjem evidenc ali seznamov glede na kategorije usposobljenih pomorščakov ali

(c) spodbujanje možnosti na ladji in kopnem za nadaljnje usposabljanje in izobraževanje pomorščakov, da se zagotovi razvoj veščin in prenosljivega znanja za zagotovitev in ohranitev dostojnega dela, izboljšanje posameznikovih zaposlitvenih možnosti ter prilagajanje spremembam v tehnologiji in razmeram na trgu dela pomorske dejavnosti.

Smernica B 2.8.2 – Evidenca pomorščakov

1. Če se pri zaposlovanju pomorščakov uporabljajo evidence ali sezname, morajo vključevati vse poklicne skupine pomorščakov tako, kot je predpisano v notranji zakonodaji, praksi ali kolektivni pogodbi.

2. Pomorščaki iz take evidence ali s seznama imajo prednost pri zaposlitvi v pomorstvu.

3. Pomorščaki iz take evidence ali s seznama morajo biti na voljo za delo tako, kot je predpisano v notranji zakonodaji, praksi ali kolektivni pogodbi.

4. V obsegu, ki ga dovoljujejo notranji zakoni ali drugi predpisi, je treba redno preverjati število pomorščakov v takih evidencah ali na seznamih, da se doseže raven, prilagojena potrebam pomorske dejavnosti.

5. Če je treba v taki evidenci ali na seznamu število pomorščakov zmanjšati, je treba sprejeti vse ustrezne ukrepe za preprečitev ali omejitev škodljivih posledic zanje ob upoštevanju gospodarskih in družbenih razmer v državi.

3. POGLAVJE: NASTANITVENI PROSTORI, PROSTORI ZA PROSTI ČAS, HRANA IN OSKRBA

Pravilo 3.1 – Nastanitveni prostori in prostori za prosti čas

Namen: zagotoviti, da imajo pomorščaki primerne nastanitvene prostore in prostore za prosti čas na ladji

1. Vsaka članica zagotovi, da ladje, ki plujejo pod njeno zastavo, zagotovijo in vzdržujejo primerne nastanitvene prostore in prostore za prosti čas za pomorščake, ki delajo ali živijo na ladji ali oboje, skladno s spodbujanjem zdravja in dobrega počutja pomorščakov.

2. Zahteve iz kodeksa, na podlagi katerega se izvaja to pravilo, ki se nanašajo na gradnjo in opremo ladij, se uporabljajo samo za ladje, ki so bile zgrajene z dnem začetka veljavnosti te konvencije za članico ali pozneje. Za ladje, ki so bile zgrajene pred tem dnem, se za gradnjo in opremo ladij še naprej uporabljajo zahteve iz Konvencije o nastanitvi posadke na ladji (spremenjene), 1949 (št. 92), in Konvencije o nastanitvi posadke na ladji (dodatne določbe), 1970 (št. 133), v obsegu, v katerem so se uporabljale pred tem dnem v skladu z zakonodajo ali prakso članice. Šteje se, da je bila ladja zgrajena z dnem, ko je položen njen gredelj ali ko je v podobni fazi gradnje.

3. Če ni izrecno določeno drugače, se katera koli zahteva v zvezi s spremembo kodeksa, ki se nanaša na zagotavljanje nastanitvenih prostorov in prostorov za prosti čas pomorščakov, uporablja samo za ladje, zgrajene z dnem začetka veljavnosti spremembe za članico ali pozneje.

Standard A 3.1 – Nastanitveni prostori in prostori za prosti čas

1. Vsaka članica sprejme zakone in druge predpise, ki določajo, da se na ladjah, ki plujejo pod njeno zastavo:

(a) izpolnjujejo minimalni standardi za zagotovitev, da je kakršna koli nastanitev za pomorščake, ki delajo ali živijo na ladji ali oboje, varna, primerna in usklajena z ustreznimi določbami tega standarda, in

(b) are inspected to ensure initial and ongoing compliance with those standards.

2. In developing and applying the laws and regulations to implement this Standard, the competent authority, after consulting the shipowners' and seafarers' organizations concerned, shall:

(a) take into account Regulation 4.3 and the associated Code provisions on health and safety protection and accident prevention, in light of the specific needs of seafarers that both live and work on board ship, and

(b) give due consideration to the guidance contained in Part B of this Code.

3. The inspections required under Regulation 5.1.4 shall be carried out when:

(a) a ship is registered or re-registered; or

(b) the seafarer accommodation on a ship has been substantially altered.

4. The competent authority shall pay particular attention to ensuring implementation of the requirements of this Convention relating to:

(a) the size of rooms and other accommodation spaces;

(b) heating and ventilation;

(c) noise and vibration and other ambient factors;

(d) sanitary facilities;

(e) lighting; and

(f) hospital accommodation.

5. The competent authority of each Member shall require that ships that fly its flag meet the minimum standards for on-board accommodation and recreational facilities that are set out in paragraphs 6 to 17 of this Standard.

6. With respect to general requirements for accommodation:

(a) there shall be adequate headroom in all seafarer accommodation; the minimum permitted headroom in all seafarer accommodation where full and free movement is necessary shall be not less than 203 centimetres; the competent authority may permit some limited reduction in headroom in any space, or part of any space, in such accommodation where it is satisfied that such reduction:

(i) is reasonable; and

(ii) will not result in discomfort to the seafarers;

(b) the accommodation shall be adequately insulated;

(c) in ships other than passenger ships, as defined in Regulation 2(e) and (f) of the International Convention for the Safety of Life at Sea, 1974, as amended (the "SOLAS Convention"), sleeping rooms shall be situated above the load line amidships or aft, except that in exceptional cases, where the size, type or intended service of the ship renders any other location impracticable, sleeping rooms may be located in the fore part of the ship, but in no case forward of the collision bulkhead;

(d) in passenger ships, and in special ships constructed in compliance with the IMO *Code of Safety for Special Purpose Ships*, 1983, and subsequent versions (hereinafter called "special purpose ships"), the competent authority may, on condition that satisfactory arrangements are made for lighting and ventilation, permit the location of sleeping rooms below the load line, but in no case shall they be located immediately beneath working alleyways;

(e) there shall be no direct openings into sleeping rooms from cargo and machinery spaces or from galleys, storerooms, drying rooms or communal sanitary areas; that part of a bulkhead separating such places from sleeping rooms and external bulkheads shall be efficiently constructed of steel or other approved substance and be watertight and gas-tight;

(f) the materials used to construct internal bulkheads, panelling and sheeting, floors and joinings shall be suitable for the purpose and conducive to ensuring a healthy environment;

(g) proper lighting and sufficient drainage shall be provided; and

(b) opravlja nadzor za zagotovitev začetne in stalne skladnosti s temi standardi.

2. Pri pripravi in uporabi zakonov in drugih predpisov za izvajanje tega standarda pristojni organ po posvetovanju z organizacijami ladjarjev in pomorščakov:

(a) upošteva pravilo 4.3 in z njim povezane določbe kodeksa o varnosti in zdravju ter preprečevanju nezgod zaradi posebnih potreb pomorščakov, ki živijo in delajo na ladji, in

(b) ustrezno upošteva usmeritve iz dela B tega kodeksa.

3. Nadzor, ki ga zahteva pravilo 5.1.4, se opravlja, če:

(a) je ladja vpisana v register ali ponovno vpisana ali

(b) so bili nastanitveni prostori pomorščakov na ladji bistveno spremenjeni.

4. Pristojni organ namenja posebno pozornost izpolnjevanju zahtev te konvencije v zvezi z:

(a) velikostjo sob in drugih nastanitvenih prostorov;

(b) ogrevanjem in prezračevanjem;

(c) hrupom in vibracijami ter drugimi prostorskimi dejavniki;

(d) sanitarnimi prostori;

(e) razsvetljavo in

(f) prostori za bolnišnično oskrbo.

5. Pristojni organ vsake članice zahteva, da ladje, ki plujejo pod njeno zastavo, izpolnjujejo minimalne standarde za nastanitvene prostore in prostore za prosti čas na ladji iz šestega do sedemnajstega odstavka tega standarda.

6. V zvezi s splošnimi zahtevami za nastanitev:

(a) je v vseh prostorih za nastanitev pomorščakov višina prostora primerna; najnižja dovoljena višina prostora v vseh prostorih za nastanitev pomorščakov, v katerih je potrebno prosto gibanje, ni manj kot 203 centimetre; pristojni organ lahko dovoli omejeno znižanje višine katerega koli prostora ali njegovega dela, če je prepričan, da je taka omejitev:

(i) smiselna in

(ii) ne bo povzročila, da bi se pomorščaki počutili neudobno;

(b) je nastanitveni prostor primerno izoliran;

(c) so spalni prostori na ladjah, ki niso potniške ladje, kot je opredeljeno v točkah e in f 2. pravila Mednarodne konvencije o varstvu človeškega življenja na morju, 1974, kot je bila spremenjena ("Konvencija SOLAS"), nad tovorno črto srednjega dela ladje ali krmo, razen v izjemnih primerih, kadar zaradi velikosti, tipa ali namembnosti ladje katera koli druga lega ni primerna, so lahko na premcu ladje, vendar nikakor pred pregrado proti trkom;

(d) lahko pristojni organ na potniških ladjah in ladjah za posebne namene, zgrajenih v skladu s *Kodeksom IMO o varnosti za ladje za posebne namene*, 1983, in poznejšimi različicami (v nadaljnjem besedilu: "ladje za posebne namene"), če se vzpostavi primerna ureditev za razsvetljavo in prezračevanje, dovoli lego spalnih prostorov pod tovorno črto, vendar nikakor neposredno pod delovnimi hodniki;

(e) ni nobenih neposrednih odprtih v spalne prostore iz tovornih in strojnih prostorov ali ladijskih kuhinj, skladiščnih prostorov, sušilnic ali skupnih sanitarnih prostorov; tisti del pregrade, ki loči take prostore od spalnih prostorov, in zunanje pregrade morajo biti izdelani iz jekla ali kakšnega drugega odobrenega materiala ter ne smejo prepuščati vode in plina;

(f) so vrste materiala, ki se uporabljajo za izdelavo notranjih pregrad, panelnih in lesenih oblog, tal in stikov, primerne za ta namen in pripomorejo k zdravemu okolju;

(g) se zagotovita ustrežna razsvetljava in odtok vode in

(h) accommodation and recreational and catering facilities shall meet the requirements in Regulation 4.3, and the related provisions in the Code, on health and safety protection and accident prevention, with respect to preventing the risk of exposure to hazardous levels of noise and vibration and other ambient factors and chemicals on board ships, and to provide an acceptable occupational and onboard living environment for seafarers.

7. With respect to requirements for ventilation and heating:

(a) sleeping rooms and mess rooms shall be adequately ventilated;

(b) ships, except those regularly engaged in trade where temperate climatic conditions do not require this, shall be equipped with air conditioning for seafarer accommodation, for any separate radio room and for any centralized machinery control room;

(c) all sanitary spaces shall have ventilation to the open air, independently of any other part of the accommodation; and

(d) adequate heat through an appropriate heating system shall be provided, except in ships exclusively on voyages in tropical climates.

8. With respect to requirements for lighting, subject to such special arrangements as may be permitted in passenger ships, sleeping rooms and mess rooms shall be lit by natural light and provided with adequate artificial light.

9. When sleeping accommodation on board ships is required, the following requirements for sleeping rooms apply:

(a) in ships other than passenger ships, an individual sleeping room shall be provided for each seafarer; in the case of ships of less than 3,000 gross tonnage or special purpose ships, exemptions from this requirement may be granted by the competent authority after consultation with the shipowners' and seafarers' organizations concerned;

(b) separate sleeping rooms shall be provided for men and for women;

(c) sleeping rooms shall be of adequate size and properly equipped so as to ensure reasonable comfort and to facilitate tidiness;

(d) a separate berth for each seafarer shall in all circumstances be provided;

(e) the minimum inside dimensions of a berth shall be at least 198 centimetres by 80 centimetres;

(f) in single berth seafarers' sleeping rooms the floor area shall not be less than:

(i) 4.5 square metres in ships of less than 3,000 gross tonnage;

(ii) 5.5 square metres in ships of 3,000 gross tonnage or over but less than 10,000 gross tonnage;

(iii) 7 square metres in ships of 10,000 gross tonnage or over;

(g) however, in order to provide single berth sleeping rooms on ships of less than 3,000 gross tonnage, passenger ships and special purpose ships, the competent authority may allow a reduced floor area;

(h) in ships of less than 3,000 gross tonnage other than passenger ships and special purpose ships, sleeping rooms may be occupied by a maximum of two seafarers; the floor area of such sleeping rooms shall not be less than 7 square metres;

(i) on passenger ships and special purpose ships the floor area of sleeping rooms for seafarers not performing the duties of ships' officers shall not be less than:

(i) 7.5 square metres in rooms accommodating two persons;

(ii) 11.5 square metres in rooms accommodating three persons;

(iii) 14.5 square metres in rooms accommodating four persons;

(j) on special purpose ships sleeping rooms may accommodate more than four persons; the floor area of such sleeping rooms shall not be less than 3.6 square metres per person;

(h) prostori za nastanitev, prosti čas in oskrbo izpolnjujejo zahteve iz pravila 4.3 in ustrezne določbe kodeksa o varnosti in zdravju ter preprečevanju nezgod glede preprečevanja tveganja zaradi izpostavljenosti hrupu, vibracijam, drugim dejavnikom in kemikalijam na ladjah ter o zagotavljanju primernega delovnega in življenjskega okolja za pomorščake.

7. V zvezi z zahtevami za prezračevanje in ogrevanje:

(a) se sobe za prenočevanje in jedilnice ustrezno prezračujejo;

(b) so ladje, razen tistih, ki plujejo na območjih, na katerih zmerne podnebne razmere tega ne zahtevajo, opremljene s klimatskimi napravami v prostorih za nastanitev pomorščakov, v vsaki ločeni radijski sobi in kontrolni kabini strojnice;

(c) imajo vsi sanitarni prostori prezračevanje na odprto, ločeno od katerega koli drugega dela prostorov za nastanitev, in

(d) se zagotovi primerna toplota z ustreznim sistemom ogrevanja, razen na ladjah, ki plujejo samo v tropskih območjih.

8. V zvezi z zahtevami za razsvetljavo morajo biti razen posebne ureditve, ki se lahko dovoli na potniških ladjah, sobe za prenočevanje in jedilnice osvetljene z naravno svetlobo, zagotovi pa se tudi primerna umetna svetloba.

9. Če je treba na ladji zagotoviti spalne prostore, morajo biti izpolnjene te zahteve:

(a) na ladjah, ki niso potniške ladje, se vsakemu pomorščaku posebej zagotovi soba za prenočevanje; za ladje, katerih bruto tonaža je manjša od 3000, ali ladjah za posebne namene pa lahko pristojni organ odobri izjeme po posvetovanju z organizacijami ladjarjev in pomorščakov;

(b) zagotovijo se ločene sobe za prenočevanje za moške in ženske;

(c) sobe za prenočevanje so ustrezno velike in primerno opremljene za zagotavljanje primernega udobja in lažjega čiščenja;

(d) v vseh okoliščinah se zagotovi ločeno ležišče za vsakega pomorščaka;

(e) najmanjše notranje mere ležišča so 198 centimetrov x 80 centimetrov;

(f) površina sobe za prenočevanje pomorščakov z enim ležiščem ne sme biti manjša od:

(i) 4,5 kvadratnega metra na ladjah z bruto tonažo manj kot 3000;

(ii) 5,5 kvadratnega metra na ladjah z bruto tonažo 3000 ali več, vendar z bruto tonažo manj kot 10.000;

(iii) 7 kvadratnih metrov na ladjah, katerih bruto tonaža znaša 10.000 ali več;

(g) za zagotovitev sob za prenočevanje z enim ležiščem na ladjah z bruto tonažo manj kot 3000, potniških ladjah in ladjah za posebne namene lahko pristojni organ dovoli manjšo površino;

(h) na ladjah z bruto tonažo manj kot 3000 razen potniških ladjah in ladjah za posebne namene sta lahko v sobah za prenočevanje največ dva pomorščaka; površina takih sob za prenočevanje ne sme biti manjša od 7 kvadratnih metrov;

(i) na potniških ladjah in ladjah za posebne namene površina sob za prenočevanje za pomorščake, ki ne opravljajo nalog ladijskih častnikov, ne sme biti manjša od:

(i) 7,5 kvadratnega metra v sobah, v katerih sta dve osebi;

(ii) 11,5 kvadratnega metra v sobah, v katerih so tri osebe;

(iii) 14,5 kvadratnega metra v sobah, v katerih so štiri osebe;

(j) na ladjah za posebne namene so lahko v sobah za prenočevanje več kot štiri osebe; površina takih sob za prenočevanje ne sme biti manjša kot 3,6 kvadratnega metra na osebo;

(k) on ships other than passenger ships and special purpose ships, sleeping rooms for seafarers who perform the duties of ships' officers, where no private sitting room or day room is provided, the floor area per person shall not be less than:

(i) 7.5 square metres in ships of less than 3,000 gross tonnage;

(ii) 8.5 square metres in ships of 3,000 gross tonnage or over but less than 10,000 gross tonnage;

(iii) 10 square metres in ships of 10,000 gross tonnage or over;

(l) on passenger ships and special purpose ships the floor area for seafarers performing the duties of ships' officers where no private sitting room or day room is provided, the floor area per person for junior officers shall not be less than 7.5 square metres and for senior officers not less than 8.5 square metres; junior officers are understood to be at the operational level, and senior officers at the management level;

(m) the master, the chief engineer and the chief navigating officer shall have, in addition to their sleeping rooms, an adjoining sitting room, day room or equivalent additional space; ships of less than 3,000 gross tonnage may be exempted by the competent authority from this requirement after consultation with the shipowners' and seafarers' organizations concerned;

(n) for each occupant, the furniture shall include a clothes locker of ample space (minimum 475 litres) and a drawer or equivalent space of not less than 56 litres; if the drawer is incorporated in the clothes locker then the combined minimum volume of the clothes locker shall be 500 litres; it shall be fitted with a shelf and be able to be locked by the occupant so as to ensure privacy;

(o) each sleeping room shall be provided with a table or desk, which may be of the fixed, drop-leaf or slide-out type, and with comfortable seating accommodation as necessary.

10. With respect to requirements for mess rooms:

(a) mess rooms shall be located apart from the sleeping rooms and as close as practicable to the galley; ships of less than 3,000 gross tonnage may be exempted by the competent authority from this requirement after consultation with the shipowners' and seafarers' organizations concerned; and

(b) mess rooms shall be of adequate size and comfort and properly furnished and equipped (including ongoing facilities for refreshment), taking account of the number of seafarers likely to use them at any one time; provision shall be made for separate or common mess room facilities as appropriate.

11. With respect to requirements for sanitary facilities:

(a) all seafarers shall have convenient access on the ship to sanitary facilities meeting minimum standards of health and hygiene and reasonable standards of comfort, with separate sanitary facilities being provided for men and for women;

(b) there shall be sanitary facilities within easy access of the navigating bridge and the machinery space or near the engine room control centre; ships of less than 3,000 gross tonnage may be exempted by the competent authority from this requirement after consultation with the shipowners' and seafarers' organizations concerned;

(c) in all ships a minimum of one toilet, one wash basin and one tub or shower or both for every six persons or less who do not have personal facilities shall be provided at a convenient location;

(d) with the exception of passenger ships, each sleeping room shall be provided with a washbasin having hot and cold running fresh water, except where such a washbasin is situated in the private bathroom provided;

(e) in passenger ships normally engaged on voyages of not more than four hours' duration, consideration may be given by the competent authority to special arrangements or to a reduction in the number of facilities required; and

(f) hot and cold running fresh water shall be available in all wash places.

(k) na ladjah, ki niso potniške ladje in ladje za posebne namene, znaša površina sob za pomorščake, ki opravljajo naloge ladijskih častnikov, če ni zagotovljena dnevna soba ali skupna soba:

(i) 7,5 kvadratnega metra na ladjah z bruto tonažo manj kot 3000;

(ii) 8,5 kvadratnega metra na ladjah z bruto tonažo 3000 ali več, vendar manj kot 10.000;

(iii) 10 kvadratnih metrov na ladjah z bruto tonažo 10.000 ali več;

(l) na potniških ladjah in ladjah za posebne namene površina za pomorščake, ki opravljajo naloge ladijskih častnikov, če ni zagotovljena dnevna soba ali druga soba za nižje častnike, ne znaša manj kot 7,5 kvadratnega metra na osebo in za višje častnike manj kot 8,5 kvadratnega metra na osebo; nižji častniki opravljajo naloge na operativni ravni, višji častniki pa na vodstveni ravni;

(m) poveljnik, upravitelj stroja in prvi častnik za navigacijo imajo poleg svojih spalnih prostorov še dnevno sobo ali skupno sobo ali enakovreden dodaten prostor; ladje z bruto tonažo manj kot 3000 lahko pristojni organ oprosti te zahteve po posvetovanju z organizacijami ladjarjev in pomorščakov;

(n) pohištvo za vsakega stanovalca vključuje prostorno garderobno omarico (najmanj 475 litrov) in predalnik ali enakovreden prostor, katerega prostornina je najmanj 56 litrov; če je predalnik vgrajen v garderobno omarico, mora biti najmanjša skupna prostornina garderobne omarice 500 litrov; opremljena je s polico in ima ključavnico, da jo stanovalec lahko zaklene zaradi zasebnosti;

(o) v vsakem spalnem prostoru so miza ali mizica, ki je lahko pritrjena, zložljiva ali drsna, in po potrebi udobna sedišča.

10. V zvezi z zahtevami za jedilnice:

(a) so jedilnice ločene od spalnih prostorov in čim bližje ladijski kuhinji; ladje, katerih bruto tonaža je manjša od 3000, lahko pristojni organ po posvetovanju z organizacijami ladjarjev in pomorščakov oprosti teh zahtev in

(b) so jedilnice ustrezno velike, udobne in ustrezno opremljene (vključno z možnostjo stalne oskrbe s pijačo) ob upoštevanju verjetnega števila pomorščakov, ki jih navadno uporabljajo hkrati; po potrebi je treba poskrbeti za ločene ali skupne jedilniške prostore.

11. V zvezi z zahtevami za sanitarne prostore:

(a) morajo imeti vsi pomorščaki na ladji primeren dostop do sanitarnih prostorov, ki izpolnjujejo minimalne zdravstvene in higienske standarde ter razumne standarde udobja, pri čemer se zagotovijo ločeni sanitarni prostori za moške in ženske;

(b) morajo biti sanitarni prostori dostopni s poveljniškega mostu in strojnice ali pa so v bližini nadzornega centra strojnice; ladje z bruto tonažo manj kot 3000 lahko pristojni organ po posvetovanju z organizacijami ladjarjev in pomorščakov oprosti teh zahtev;

(c) se na vseh ladjah na primernem mestu zagotovijo najmanj eno stranišče, en umivalnik in ena kad ali tuš ali oboje za vsake šest oseb ali manj, ki nimajo svojih sanitarij;

(d) mora biti v vsakem spalnem prostoru, razen na potniških ladjah, umivalnik s toplo in hladno tekočo sladko vodo, razen če je tak umivalnik v zasebni kopalnici;

(e) lahko na potniških ladjah, ki običajno plujejo manj kot štiri ure, pristojni organ določi posebno ureditev ali zmanjša število zahtevanih sanitarij in

(f) mora biti v vseh prostorih za umivanje na voljo topla in hladna tekoča sladka voda.

12. With respect to requirements for hospital accommodation, ships carrying 15 or more seafarers and engaged in a voyage of more than three days' duration shall provide separate hospital accommodation to be used exclusively for medical purposes; the competent authority may relax this requirement for ships engaged in coastal trade; in approving on-board hospital accommodation, the competent authority shall ensure that the accommodation will, in all weathers, be easy of access, provide comfortable housing for the occupants and be conducive to their receiving prompt and proper attention.

13. Appropriately situated and furnished laundry facilities shall be available.

14. All ships shall have a space or spaces on open deck to which the seafarers can have access when off duty, which are of adequate area having regard to the size of the ship and the number of seafarers on board.

15. All ships shall be provided with separate offices or a common ship's office for use by deck and engine departments; ships of less than 3,000 gross tonnage may be exempted by the competent authority from this requirement after consultation with the shipowners' and seafarers' organizations concerned.

16. Ships regularly trading to mosquito-infested ports shall be fitted with appropriate devices as required by the competent authority.

17. Appropriate seafarers' recreational facilities, amenities and services, as adapted to meet the special needs of seafarers who must live and work on ships, shall be provided on board for the benefit of all seafarers, taking into account Regulation 4.3 and the associated Code provisions on health and safety protection and accident prevention.

18. The competent authority shall require frequent inspections to be carried out on board ships, by or under the authority of the master, to ensure that seafarer accommodation is clean, decently habitable and maintained in a good state of repair. The results of each such inspection shall be recorded and be available for review.

19. In the case of ships where there is need to take account, without discrimination, of the interests of seafarers having differing and distinctive religious and social practices, the competent authority may, after consultation with the shipowners' and seafarers' organizations concerned, permit fairly applied variations in respect of this Standard on condition that such variations do not result in overall facilities less favourable than those which would result from the application of this Standard.

20. Each Member may, after consultation with the shipowners' and seafarers' organizations concerned, exempt ships of less than 200 gross tonnage where it is reasonable to do so, taking account of the size of the ship and the number of persons on board in relation to the requirements of the following provisions of this Standard:

(a) paragraphs 7(b), 11(d) and 13; and

(b) paragraph 9(f) and (h) to (l) inclusive, with respect to floor area only.

21. Any exemptions with respect to the requirements of this Standard may be made only where they are expressly permitted in this Standard and only for particular circumstances in which such exemptions can be clearly justified on strong grounds and subject to protecting the seafarers' health and safety.

Guideline B3.1 – Accommodation and recreational facilities

Guideline B3.1.1 – Design and construction

1. External bulkheads of sleeping rooms and mess rooms should be adequately insulated. All machinery casings and all boundary bulkheads of galleys and other spaces in which heat is produced should be adequately insulated where there is a possibility of resulting heat effects in adjoining accommodation or passageways. Measures should also be taken to provide protection from heat effects of steam or hot-water service pipes or both.

12. V zvezi z zahtevami za prostore za bolnišnično oskrbo morajo biti na ladjah s 15 ali več pomorščaki, ki plujejo več kot tri dni, zagotovljeni ločeni prostori za bolnišnično oskrbo, ki se uporabljajo samo za zdravstvene namene; pristojni organ lahko omili to zahtevo za ladje, ki plujejo v obalni plovbi; pri odobritvi prostorov za bolnišnično oskrbo mora pristojni organ zagotoviti, da so prostori v vseh vremenskih razmerah lahko dostopni, da zagotavljajo oskrbovancem udobno bivanje in prispevajo k temu, da so deležni pravočasne in ustrezne oskrbe.

13. Na voljo morajo biti ustrezno nameščene in opremljene pralnice.

14. Vse ladje morajo imeti prostor ali prostore na odprtem krovu, do katerih imajo pomorščaki dostop zunaj delovnega časa, ter morajo biti primerno veliki glede na velikost ladje in število pomorščakov na njej.

15. Na vseh ladjah morajo biti ločene pisarne ali skupna ladijska pisarna za krovno in strojno službo; ladje z bruto tonažo manj kot 3000 lahko pristojni organ po posvetovanju z organizacijami ladjarjev in pomorščakov oprosti teh zahtev.

16. Ladje, ki redno pristajajo v pristaniščih, ki jih ogrožajo komarji, morajo biti opremljene z ustreznimi napravami, kot to zahteva pristojni organ.

17. Na ladjah se zagotovijo prostori za prosti čas, udobje in storitve, prilagojeni zadovoljevanju posebnih potreb pomorščakov, ki morajo živeti in delati na ladjah, v korist vseh pomorščakov ob upoštevanju pravila 4.3 in s tem povezanih določb kodeksa o varovanju in zdravju ter preprečevanju nezgod.

18. Pristojni organ mora zahtevati, da poveljnik na ladjah pogosto opravlja nadzor ali se opravlja z njegovim pooblastilom, da se zagotovi, da so prostori pomorščakov čisti, da je v njih mogoče dostojno živeti in da se vzdržujejo v dobrem stanju. Ugotovitve takega nadzora se zapišejo in so na voljo za pregled.

19. Na ladjah, na katerih je treba brez razlikovanja upoštevati interese pomorščakov z različnim in posebnim verskim ali družbenim prepričanjem, lahko pristojni organ po posvetovanju z organizacijami ladjarjev in pomorščakov dovoli pravičen odmik od tega standarda, če to ne povzroči, da je nastalo stanje v celoti manj ugodno od tistega, ki ga zagotavlja uporaba tega standarda.

20. Vsaka članica lahko po posvetovanju z organizacijami ladjarjev in pomorščakov, če je to razumno, ladje z bruto tonažo manj kot 200 oprosti obveznosti iz naslednjih določb tega standarda, pri čemer upošteva velikost ladje in število oseb na njej:

(a) iz točke b sedmega odstavka, točke d enajstega odstavka in trinajstega odstavka in

(b) iz točk f in h do vključno l devetega odstavka samo v zvezi s površino.

21. Katere koli izjeme v zvezi z zahtevami tega standarda so mogoče le, če so v tem standardu izrecno dovoljene, in le za posebne okoliščine, v katerih so take izjeme jasno in trdno utemeljene, ter z upoštevanjem zdravja in varnosti pomorščakov.

Smernica B 3.1 – Nastanitveni prostori in prostori za prosti čas

Smernica B 3.1.1 – Načrtovanje in gradnja

1. Zunanje pregrade spalnih prostorov in jedilnic morajo biti ustrezno izolirane. Vsa strojna ohišja in vse mejne pregrade ladijskih kuhinj in drugih prostorov, v katerih nastaja toplota, je treba ustrezno izolirati, če obstaja možnost za nastanek toplotnih učinkov v sosednjih bivalnih prostorih ali hodnikih. Sprejeti je treba tudi ukrepe za zagotovitev zaščite pred toplotnimi učinki cevi za paro ali toplo vodo ali obeh.

2. Sleeping rooms, mess rooms, recreation rooms and alleyways in the accommodation space should be adequately insulated to prevent condensation or overheating.

3. The bulkhead surfaces and deckheads should be of material with a surface easily kept clean. No form of construction likely to harbour vermin should be used.

4. The bulkhead surfaces and deckheads in sleeping rooms and mess rooms should be capable of being easily kept clean and light in colour with a durable, nontoxic finish.

5. The decks in all seafarer accommodation should be of approved material and construction and should provide a non-slip surface impervious to damp and easily kept clean.

6. Where the floorings are made of composite materials, the joints with the sides should be profiled to avoid crevices.

Guideline B3.1.2 – Ventilation

1. The system of ventilation for sleeping rooms and mess rooms should be controlled so as to maintain the air in a satisfactory condition and to ensure a sufficiency of air movement in all conditions of weather and climate.

2. Air-conditioning systems, whether of a centralized or individual unit type, should be designed to:

(a) maintain the air at a satisfactory temperature and relative humidity as compared to outside air conditions, ensure a sufficiency of air changes in all air-conditioned spaces, take account of the particular characteristics of operations at sea and not produce excessive noises or vibrations; and

(b) facilitate easy cleaning and disinfection to prevent or control the spread of disease.

3. Power for the operation of the air conditioning and other aids to ventilation required by the preceding paragraphs of this Guideline should be available at all times when seafarers are living or working on board and conditions so require. However, this power need not be provided from an emergency source.

Guideline B3.1.3 – Heating

1. The system of heating the seafarer accommodation should be in operation at all times when seafarers are living or working on board and conditions require its use.

2. In all ships in which a heating system is required, the heating should be by means of hot water, warm air, electricity, steam or equivalent. However, within the accommodation area, steam should not be used as a medium for heat transmission. The heating system should be capable of maintaining the temperature in seafarer accommodation at a satisfactory level under normal conditions of weather and climate likely to be met within the trade in which the ship is engaged. The competent authority should prescribe the standard to be provided.

3. Radiators and other heating apparatus should be placed and, where necessary, shielded so as to avoid risk of fire or danger or discomfort to the occupants.

Guideline B3.1.4 – Lighting

1. In all ships, electric light should be provided in the seafarer accommodation. If there are not two independent sources of electricity for lighting, additional lighting should be provided by properly constructed lamps or lighting apparatus for emergency use.

2. In sleeping rooms an electric reading lamp should be installed at the head of each berth.

3. Suitable standards of natural and artificial lighting should be fixed by the competent authority.

Guideline B3.1.5 – Sleeping rooms

1. There should be adequate berth arrangements on board, making it as comfortable as possible for the seafarer and any partner who may accompany the seafarer.

2. Spalne prostore, jedilnice, prostore za prosti čas in hodnike v bivalnih prostorih je treba ustrezno izolirati, da se prepreči kondenziranje ali pregrevanje.

3. Površine pregrad in stropov morajo biti iz materiala, ki ga je mogoče z lahkoto čistiti. Ne sme se uporabiti nobena oblika gradnje, ki omogoča naselitev škodljivcev.

4. Površine pregrad in stropov v spalnih prostorih in jedilnicah morajo omogočati lahko čiščenje ter biti svetle barve z obstojno in nestrupeno površinsko plastjo.

5. Talne obloge v vseh prostorih pomorščakov morajo biti iz odobrenega materiala in v skladu z odobrenim načinom gradnje, površina mora biti nedrseča, odporna proti vlagi in taka, da jo je lahko čistiti.

6. Če so talne obloge sestavljive, morajo biti stiki med stranicami taki, da med njimi ni špranj.

Smernica B 3.1.2 – Prezračevanje

1. Prezračevalni sistem za spalne prostore in jedilnice je treba nadzorovati zaradi ohranjanja zraka v zadovoljivem stanju ter zagotavljanja kroženja zraka v vseh vremenskih in podnebnih razmerah.

2. Centralna ali posamezna klimatska naprava mora biti zasnovana tako, da:

(a) vzdržuje zadovoljivo temperaturo zraka in relativno vlažnost v primerjavi z zunanjimi zračnimi razmerami, zagotavlja zadostne zračne spremembe v vseh klimatiziranih prostorih, upošteva posebne značilnosti dejavnosti na morju in ne povzroča prevelikega hrupa ali vibracij in

(b) omogoča enostavno čiščenje in razkuževanje, da se preprečujejo bolezni ali nadzira njihovo širjenje.

3. Energija za delovanje klimatske naprave in drugih pripomočkov za prezračevanje, ki jih zahtevajo prejšnji odstavki te smernice, mora biti na voljo ves čas, ko na ladji živijo ali delajo pomorščaki in to zahtevajo razmere. Te energije ni treba nujno zagotavljati iz zasilnega vira.

Smernica B 3.1.3 – Ogrevanje

1. Sistem ogrevanja prostorov pomorščakov mora delovati ves čas, ko na ladji živijo ali delajo pomorščaki in razmere zahtevajo njegovo uporabo.

2. Na vseh ladjah, na katerih se zahteva sistem ogrevanja, mora biti ogrevanje na vročo vodo, topel zrak, elektriko, paro ali podobno. V bivalnih prostorih pa se para ne sme uporabljati kot sredstvo za prenos toplote. Sistem ogrevanja mora biti sposoben vzdrževati temperaturo v prostorih pomorščakov na zadovoljivi ravni v običajnih vremenskih in podnebnih razmerah, v katerih je ladja. Pristojni organ mora predpisati standard, ki ga je treba izpolniti.

3. Treba je namestiti radiatorje in druge naprave za ogrevanje in jih po potrebi zaščititi, da se prepreči tveganje požara, nevarnost ali neudobje za osebe v prostoru.

Smernica B 3.1.4 – Razsvetljava

1. Na vseh ladjah je treba zagotoviti električno razsvetljava v prostorih pomorščakov. Če ni dveh neodvisnih virov elektrike za razsvetljava, je treba zagotoviti dodatno razsvetljava z ustrezno vgrajenimi svetili ali napravami za razsvetljava, ki se uporabljajo v izrednih razmerah.

2. V spalnih prostorih je treba ob vzgljavju vsakega ležišča namestiti električno svetilko za branje.

3. Pristojni organ mora določiti ustrezne standarde za naravno in umetno razsvetljava.

Smernica B 3.1.5 – Spalni prostori

1. Na ladji morajo biti ležišča primerno urejena tako, da je pomorščaku in partnerju, ki ga lahko spremlja, zagotovljeno čim večje udobje.

2. Where the size of the ship, the activity in which it is to be engaged and its layout make it reasonable and practicable, sleeping rooms should be planned and equipped with a private bathroom, including a toilet, so as to provide reasonable comfort for the occupants and to facilitate tidiness.

3. As far as practicable, sleeping rooms of seafarers should be so arranged that watches are separated and that no seafarers working during the day share a room with watchkeepers.

4. In the case of seafarers performing the duty of petty officers there should be no more than two persons per sleeping room.

5. Consideration should be given to extending the facility referred to in Standard A3.1, paragraph 9(m), to the second engineer officer when practicable.

6. Space occupied by berths and lockers, chests of drawers and seats should be included in the measurement of the floor area. Small or irregularly shaped spaces which do not add effectively to the space available for free movement and cannot be used for installing furniture should be excluded.

7. Berths should not be arranged in tiers of more than two; in the case of berths placed along the ship's side, there should be only a single tier where a sidelight is situated above a berth.

8. The lower berth in a double tier should be not less than 30 centimetres above the floor; the upper berth should be placed approximately midway between the bottom of the lower berth and the lower side of the deckhead beams.

9. The framework and the lee-board, if any, of a berth should be of approved material, hard, smooth, and not likely to corrode or to harbour vermin.

10. If tubular frames are used for the construction of berths, they should be completely sealed and without perforations which would give access to vermin.

11. Each berth should be fitted with a comfortable mattress with cushioning bottom or a combined cushioning mattress, including a spring bottom or a spring mattress. The mattress and cushioning material used should be made of approved material. Stuffing of material likely to harbour vermin should not be used.

12. When one berth is placed over another, a dust-proof bottom should be fitted beneath the bottom mattress or spring bottom of the upper berth.

13. The furniture should be of smooth, hard material not liable to warp or corrode.

14. Sleeping rooms should be fitted with curtains or equivalent for the sidelights.

15. Sleeping rooms should be fitted with a mirror, small cabinets for toilet requisites, a book rack and a sufficient number of coat hooks.

Guideline B3.1.6 – Mess rooms

1. Mess room facilities may be either common or separate. The decision in this respect should be taken after consultation with seafarers' and shipowners' representatives and subject to the approval of the competent authority. Account should be taken of factors such as the size of the ship and the distinctive cultural, religious and social needs of the seafarers.

2. Where separate mess room facilities are to be provided to seafarers, then separate mess rooms should be provided for:

- (a) master and officers; and
- (b) petty officers and other seafarers.

3. On ships other than passenger ships, the floor area of mess rooms for seafarers should be not less than 1.5 square metres per person of the planned seating capacity.

4. In all ships, mess rooms should be equipped with tables and appropriate seats, fixed or movable, sufficient to accommodate the greatest number of seafarers likely to use them at any one time.

5. There should be available at all times when seafarers are on board:

2. Če velikost, dejavnost in ureditev ladje to razumno dovoljujejo, morajo biti spalniki načrtovani in opremljeni z zasebno kopalnico, vključno s straniščem, tako da se stanovalcem zagotovi ustrezno udobje in olajša osebna higiena.

3. Če je izvedljivo, morajo biti spalniki pomorščakov urejeni tako, da so straže ločene in da si pomorščaki, ki delajo podnevi, ne delijo sobe z osebami na straži.

4. V enem spalnem prostoru ne smeta biti več kot dva pomorščaka, ki sta podčastnika.

5. Če je izvedljivo, je treba upoštevati tudi možnost razširitve ugodnosti iz točke m devetega odstavka standarda A 3.1 na drugega strojnega častnika.

6. V izmero površine tal je treba vključiti površine prostorov z ležišči, garderobnih omaric, predalnikov in sedišč. Majhni ali nepravilno oblikovani prostori, ki ne povečujejo možnosti prostega gibanja in jih ni mogoče uporabiti za namestitev pohištva, se ne upoštevajo.

7. Ležišča ne smejo biti v več kot dveh nadstropjih; če so ležišča ob boku ladje, se morajo postaviti samo v eno vrsto, če je nad njimi okno.

8. Spodnje ležišče pri dvonadstropni namestitvi mora biti vsaj 30 centimetrov nad tlemi; zgornje ležišče mora biti približno na sredini med dnom spodnjega ležišča in spodnjo stranjo stropnih nosilcev.

9. Če ima ležišče okvir in stranice, morajo biti iz odobrenega trdnega in gladkega materiala, odpornega proti rjavenju ali škodljivcem.

10. Če so bili pri izdelavi ležišč uporabljeni cevasti okvirji, morajo biti v celoti zaprti, na njih pa ne sme biti nobene odprtine, v katero bi lahko zlezli škodljivci.

11. Vsako ležišče mora imeti udobno žimnico z oblazinjenim spodnjim delom ali kombinirano oblazinjeno žimnico, vključno z vzmetnim dnom ali vzmetno žimnico. Žimnica in material za oblazinjenje morata biti izdelana iz odobrenega materiala. Za polnilo se ne sme uporabljati material, v katerem se lahko zaredijo škodljivci.

12. Če sta ležišči drugo nad drugim, mora biti pod žimnico ali vzmetnim dnom zgornjega ležišča nameščena za prah neprepustna prevleka.

13. Pohištvo mora biti izdelano iz gladkega in trdnega materiala, ki se ne ukrivlja ali rjavi.

14. Spalniki morajo imeti zavese ali kaj podobnega za bočna okna.

15. Spalniki morajo imeti ogledalo, omarico za toaletne potrebščine, knjižno polico in dovolj obešalnikov.

Smernica B 3.1.6 – Jedilnice

1. Jedilnice so lahko skupne ali ločene. Odločitev o tem je treba sprejeti po posvetovanju z organizacijami ladjarjev in pomorščakov ter odobritvi pristojnega organa. Upoštevati je treba dejavnike, kot so velikost ladje ter posebne kulturne, verske in družbene potrebe pomorščakov.

2. Če se pomorščakom zagotovijo ločene jedilnice, je treba zagotoviti ločene jedilnice za:

- (a) poveljnika in častnike ter
- (b) podčastnike in druge pomorščake.

3. Na vseh ladjah, razen na potniških, površina jedilnic za pomorščake ne sme biti manjša od 1,5 kvadratnega metra na osebo za vsako predvideno sedišče.

4. Na vseh ladjah morajo biti jedilnice opremljene s toliko mizami in ustreznimi stoli, pritrjenimi ali premičnimi, da jih je dovolj za največ pomorščakov, ki navadno uporabljajo te prostore hkrati.

5. Ves čas, ko so pomorščaki na ladji, jim morajo biti na razpolago:

(a) a refrigerator, which should be conveniently situated and of sufficient capacity for the number of persons using the mess room or mess rooms;

- (b) facilities for hot beverages; and
(c) cool water facilities.

6. Where available pantries are not accessible to mess rooms, adequate lockers for mess utensils and proper facilities for washing utensils should be provided.

7. The tops of tables and seats should be of damp-resistant material.

Guideline B3.1.7 – Sanitary accommodation

1. Washbasins and tub baths should be of adequate size and constructed of approved material with a smooth surface not liable to crack, flake or corrode.

2. All toilets should be of an approved pattern and provided with an ample flush of water or with some other suitable flushing means, such as air, which are available at all times and independently controllable.

3. Sanitary accommodation intended for the use of more than one person should comply with the following:

(a) floors should be of approved durable material, impervious to damp, and should be properly drained;

(b) bulkheads should be of steel or other approved material and should be watertight up to at least 23 centimetres above the level of the deck;

(c) the accommodation should be sufficiently lit, heated and ventilated;

(d) toilets should be situated convenient to, but separate from, sleeping rooms and wash rooms, without direct access from the sleeping rooms or from a passage between sleeping rooms and toilets to which there is no other access; this requirement does not apply where a toilet is located in a compartment between two sleeping rooms having a total of not more than four seafarers; and

(e) where there is more than one toilet in a compartment, they should be sufficiently screened to ensure privacy.

4. The laundry facilities provided for seafarers' use should include:

- (a) washing machines;
(b) drying machines or adequately heated and ventilated drying rooms; and
(c) irons and ironing boards or their equivalent.

Guideline B3.1.8 – Hospital accommodation

1. The hospital accommodation should be designed so as to facilitate consultation and the giving of medical first aid and to help prevent the spread of infectious diseases.

2. The arrangement of the entrance, berths, lighting, ventilation, heating and water supply should be designed to ensure the comfort and facilitate the treatment of the occupants.

3. The number of hospital berths required should be prescribed by the competent authority.

4. Sanitary accommodation should be provided for the exclusive use of the occupants of the hospital accommodation, either as part of the accommodation or in close proximity thereto. Such sanitary accommodation should comprise a minimum of one toilet, one washbasin and one tub or shower.

Guideline B3.1.9 – Other facilities

1. Where separate facilities for engine department personnel to change their clothes are provided, they should be:

(a) located outside the machinery space but with easy access to it; and

(b) fitted with individual clothes lockers as well as with tubs or showers or both and washbasins having hot and cold running fresh water.

(a) hladilnik, ki mora biti primerno nameščen in dovolj velik za število oseb, ki uporabljajo jedilnico ali jedilnice;

- (b) naprave in pripomočki za tople napitke in
(c) naprave in pripomočki za hladno vodo.

6. Če iz razpoložljivih shramb ni dostopa do jedilnic, je treba zagotoviti primerne omarice za jedilno posodo in pribor ter primerna sredstva za pomivanje posode.

7. Zgornja površina miz in stolov mora biti izdelana iz materiala, odpornega proti vlagi.

Smernica B 3.1.7 – Sanitarni prostori

1. Umivalniki in kadi morajo biti primerno veliki ter izdelani iz odobrenega materiala z gladko površino, ki ne razpoka, se ne lušči ali ne rjavi.

2. Vsa stranišča morajo biti odobrene oblike, z učinkovitim izplakovanjem z veliko vodo ali drugimi primernimi načini izplakovanja, na primer vakuumskim, ki so na voljo ves čas in jih je mogoče neodvisno nadzorovati.

3. Sanitarni prostori, ki so namenjeni za uporabo več kot ene osebe, morajo izpolnjevati te zahteve:

(a) tla morajo biti iz odobrenega trajnega materiala, ki ne prepušča vlage, in imeti ustrezen odtok vode;

(b) pregrade morajo biti iz jekla ali drugega odobrenega materiala in biti neprepustne za vodo vsaj 23 centimetrov nad nivojem krova;

(c) bivalni prostor mora biti primerno razsvetljen, ogrevan in prezračevan;

(d) stranišča morajo biti postavljena v bližini spalnih prostorov in umivalnic, vendar ločeno od njih, ne smejo biti neposredno dostopna iz spalnih prostorov ali hodnika med spalnimi prostori in stranišči, do katerih ni drugega dostopa; ta zahteva ne velja, če je stranišče v predelu med spalnima prostoroma, v katerih so največ štirje pomorščaki, in

(e) če je v prostoru več kot eno stranišče, jih je treba zaradi zasebnosti primerno predeliti.

4. V pralnicah, ki jih uporabljajo pomorščaki, morajo biti:

- (a) pralni stroji;
(b) sušilniki ali primerno ogrevani in prezračevani prostori za sušenje in
(c) likalniki in likalne mize ali podobno.

Smernica B 3.1.8 – Prostori za bolnišnično oskrbo

1. Prostori za bolnišnično oskrbo morajo biti taki, da omogočajo lažje posvetovanje in prvo pomoč ter onemogočajo širjenje nalezljivih bolezni.

2. Vhod, ležišča, razsvetjava, prezračevanja, ogrevanje in oskrba z vodo morajo biti urejeni tako, da zagotavljajo udobje in omogočajo lažjo obravnavo.

3. Pristojni organ mora predpisati število zahtevanih bolnišničnih ležišč.

4. Zagotoviti je treba sanitarne prostore, ki jih uporabljajo izključno osebe v bolnišnični oskrbi, ki so v prostorih za bolnišnično oskrbo ali v njihovi neposredni bližini. Taki sanitarni prostori morajo imeti najmanj eno stranišče, en umivalnik in eno kad ali tuš.

Smernica B 3.1.9 – Drugi prostori

1. Če so zagotovljeni ločeni prostori, v katerih se lahko osebe iz oddelka strojnice preobleče, morajo biti:

(a) zunaj strojnice, pri čemer mora biti omogočen enostaven dostop do njih, in

(b) opremljeni z ločenimi garderobnimi omaricami, pa tudi s kadmii ali tuši oziroma z obojim ter z umivalniki s toplo in hladno sladko vodo.

Guideline B3.1.10 – Bedding, mess utensils and miscellaneous provisions

1. Each Member should consider applying the following principles:

(a) clean bedding and mess utensils should be supplied by the shipowner to all seafarers for use on board during service on the ship, and such seafarers should be responsible for their return at times specified by the master and on completion of service in the ship;

(b) bedding should be of good quality, and plates, cups and other mess utensils should be of approved material which can be easily cleaned; and

(c) towels, soap and toilet paper for all seafarers should be provided by the shipowner.

Guideline B3.1.11 – Recreational facilities, mail and ship visit arrangements

1. Recreational facilities and services should be reviewed frequently to ensure that they are appropriate in the light of changes in the needs of seafarers resulting from technical, operational and other developments in the shipping industry.

2. Furnishings for recreational facilities should as a minimum include a bookcase and facilities for reading, writing and, where practicable, games.

3. In connection with the planning of recreation facilities, the competent authority should give consideration to the provision of a canteen.

4. Consideration should also be given to including the following facilities at no cost to the seafarer, where practicable:

(a) a smoking room;

(b) television viewing and the reception of radio broadcasts;

(c) showing of films, the stock of which should be adequate for the duration of the voyage and, where necessary, changed at reasonable intervals;

(d) sports equipment including exercise equipment, table games and deck games;

(e) where possible, facilities for swimming;

(f) a library containing vocational and other books, the stock of which should be adequate for the duration of the voyage and changed at reasonable intervals;

(g) facilities for recreational handicrafts;

(h) electronic equipment such as a radio, television, video recorders, DVD/CD player, personal computer and software and cassette recorder/player;

(i) where appropriate, the provision of bars on board for seafarers unless these are contrary to national, religious or social customs; and

(j) reasonable access to ship-to-shore telephone communications, and email and Internet facilities, where available, with any charges for the use of these services being reasonable in amount.

5. Every effort should be given to ensuring that the forwarding of seafarers' mail is as reliable and expeditious as possible. Efforts should also be considered for avoiding seafarers being required to pay additional postage when mail has to be readdressed owing to circumstances beyond their control.

6. Measures should be considered to ensure, subject to any applicable national or international laws or regulations, that whenever possible and reasonable seafarers are expeditiously granted permission to have their partners, relatives and friends as visitors on board their ship when in port. Such measures should meet any concerns for security clearances.

7. Consideration should be given to the possibility of allowing seafarers to be accompanied by their partners on occasional voyages where this is practicable and reasonable. Such partners should carry adequate insurance cover against accident and illness; the shipowners should give every assistance to the seafarer to effect such insurance.

Smernica B 3.1.10 – Posteljina, posoda in jedilni pribor ter drugo

1. Vsaka članica mora proučiti upoštevanje teh načel:

(a) ladjar mora vsem pomorščakom zagotoviti čisto posteljino ter posodo in jedilni pribor za uporabo med delom na ladji, pomorščaki pa morajo te potrebščine vrniti, kadar to določi poveljnik in ko prenehajo delati na ladji;

(b) posteljina mora biti kakovostna, krožniki, kozarci in drug jedilni pribor pa morajo biti izdelani iz odobrenega materiala, lahkega za čiščenje, in

(c) brisače, milo in toaletni papir mora za vse pomorščake zagotoviti ladjar.

Smernica B 3.1.11 – Prostori za prosti čas, pošta in obiski na ladji

1. Prostore za prosti čas in storitve je treba pogosto pregledovati, da se preveri, ali so usklajeni s spremenjenimi potrebami pomorščakov zaradi tehničnega razvoja, razvoja postopkov dela in drugega razvoja v pomorstvu.

2. Oprema za prosti čas mora vključevati vsaj knjižno polico ter pripomočke za branje, pisanje, in če je to mogoče, igre.

3. Pri načrtovanju prostorov za prosti čas mora pristojni organ predvideti kantino.

4. Če je izvedljivo, je treba za pomorščake predvideti tudi brezplačne ugodnosti:

(a) kadirnico;

(b) gledanje televizije in sprejem radijskih oddaj;

(c) predvajanje filmov, ki jih mora biti dovolj za ves čas potovanja in se lahko po potrebi zamenjajo v razumnih časovnih obdobjih;

(d) športno opremo, vključno z opremo za vadbo, namiznimi igrami in igrami na krovu;

(e) plavalne bazene, če je mogoče;

(f) knjižnico s strokovnimi in drugimi knjigami, ki jih mora biti dovolj za ves čas potovanja in se lahko po potrebi zamenjajo v razumnih časovnih obdobjih;

(g) pripomočke za ročna dela;

(h) elektronske naprave, kot so radio, televizija, videorekorder, DVD/CD-predvajalnik, osebni računalnik in programska oprema ter kasetofon;

(i) če je primerno, ladijske bare za pomorščake, če to ni v nasprotju z narodnimi, verskimi ali družbenimi običaji, in

(j) primeren dostop, če je mogoče, do telefonskih zvez z ladje na kopno, elektronske pošte in interneta za primerno ceno za uporabo teh storitev.

5. Storitve je treba vse potrebno za zagotovitev čim zanesljivejšega in hitrejšega pošiljanja pošte pomorščakov. Storitve je treba tudi vse potrebno, da pomorščakom ni treba plačevati dodatne poštnine, če se njihova pošta preusmeri zaradi okoliščin, na katere nimajo vpliva.

6. Ob upoštevanju veljavnih notranjih in mednarodnih zakonov ali predpisov je treba predvideti ukrepe, da pomorščaki, kadar je mogoče in razumno, čim hitreje dobijo dovoljenje za obisk partnerjev, sorodnikov in prijateljev na ladjo, kadar je v pristanišču. Pri teh ukrepih je treba upoštevati tudi vse zahteve glede varnostnega preverjanja.

7. Upoštevati je treba tudi možnost, da se pomorščakom, če je izvedljivo in razumno, dovoli, da jih na potovanjih občasno spremljajo partnerji. Partnerji morajo imeti urejeno ustrezno nezgodno in zdravstveno zavarovanje; ladjarji pa morajo pomorščakom zagotoviti vso pomoč, potrebno za ureditev takih zavarovanj.

Guideline B3.1.12 – Prevention of noise and vibration

1. Accommodation and recreational and catering facilities should be located as far as practicable from the engines, steering gear rooms, deck winches, ventilation, heating and air-conditioning equipment and other noisy machinery and apparatus.

2. Acoustic insulation or other appropriate sound-absorbing materials should be used in the construction and finishing of bulkheads, deckheads and decks within the sound-producing spaces as well as self-closing noise-isolating doors for machinery spaces.

3. Engine rooms and other machinery spaces should be provided, wherever practicable, with soundproof centralized control rooms for engine-room personnel. Working spaces, such as the machine shop, should be insulated, as far as practicable, from the general engine-room noise and measures should be taken to reduce noise in the operation of machinery.

4. The limits for noise levels for working and living spaces should be in conformity with the ILO international guidelines on exposure levels, including those in the ILO code of practice entitled *Ambient factors in the workplace*, 2001, and, where applicable, the specific protection recommended by the International Maritime Organization, and with any subsequent amending and supplementary instruments for acceptable noise levels on board ships. A copy of the applicable instruments in English or the working language of the ship should be carried on board and should be accessible to seafarers.

5. No accommodation or recreational or catering facilities should be exposed to excessive vibration.

Regulation 3.2 – Food and catering

Purpose: To ensure that seafarers have access to good quality food and drinking water provided under regulated hygienic conditions

1. Each Member shall ensure that ships that fly its flag carry on board and serve food and drinking water of appropriate quality, nutritional value and quantity that adequately covers the requirements of the ship and takes into account the differing cultural and religious backgrounds.

2. Seafarers on board a ship shall be provided with food free of charge during the period of engagement.

3. Seafarers employed as ships' cooks with responsibility for food preparation must be trained and qualified for their position on board ship.

Standard A3.2 – Food and catering

1. Each Member shall adopt laws and regulations or other measures to provide minimum standards for the quantity and quality of food and drinking water and for the catering standards that apply to meals provided to seafarers on ships that fly its flag, and shall undertake educational activities to promote awareness and implementation of the standards referred to in this paragraph.

2. Each Member shall ensure that ships that fly its flag meet the following minimum standards:

(a) food and drinking water supplies, having regard to the number of seafarers on board, their religious requirements and cultural practices as they pertain to food, and the duration and nature of the voyage, shall be suitable in respect of quantity, nutritional value, quality and variety;

(b) the organization and equipment of the catering department shall be such as to permit the provision to the seafarers of adequate, varied and nutritious meals prepared and served in hygienic conditions; and

(c) catering staff shall be properly trained or instructed for their positions.

Smernica B 3.1.12 – Preprečevanje hrupa in vibracij

1. Prostori za nastanitev, prosti čas in oskrbo morajo biti čim bolj oddaljeni od strojev, prostorov s krmilnimi napravami, vitlov na krovu, prezračevalnih naprav, naprav za ogrevanje in klimatskih naprav ter drugih hrupnih strojev in naprav.

2. Pri gradnji in zaključnih delih na pregradah, stropih in krovu je treba v prostorih, v katerih nastaja hrup, uporabiti zvočno izolacijo ali drug primeren material, ki zaduši zvok, prav tako je treba v prostorih s stroji vgraditi samozapiralna vrata z zvočno izolacijo.

3. Če je izvedljivo, morajo imeti strojnice in drugi prostori s stroji zvočno izolirano centralizirano kontrolno sobo za osebje v strojnici. Če je izvedljivo, je treba delovne prostore, kot so strojne delavnice, izolirati pred hrupom iz strojnice in sprejeti ukrepe za zmanjšanje hrupa zaradi delovanja strojev.

4. Omejitve ravni hrupa v delovnih in bivalnih prostorih morajo biti usklajene z mednarodnimi smernicami MOD o stopnjah izpostavljenosti, vključno s smernicami iz kodeksa o postopkih MOD z naslovom *Okoljski dejavniki na delovnem mestu*, 2001, če je primerno, pa tudi s posebno zaščito, ki jo priporoča Mednarodna pomorska organizacija, in z morebitnimi poznejšimi akti o spremembah sprejemljivih ravni hrupa na ladjah. Pomorščakom mora biti na ladji dostopen izvod veljavnih aktov v angleščini ali delovnem jeziku ladje.

5. Noben prostor za nastanitev, prosti čas in oskrbo ne sme biti izpostavljen prevelikim vibracijam.

Pravilo 3.2 – Hrana in oskrba

Namen: zagotoviti, da imajo pomorščaki na ladji kakovostno hrano in pitno vodo v skladu z zakonsko urejenimi higienskimi pogoji

1. Vsaka članica zagotovi, da na ladjah, ki plujejo pod njeno zastavo, imajo in zagotavljajo hrano in pitno vodo primerne kakovosti in hranilne vrednosti ter v primernih količinah, ki zadovoljujejo potrebe na ladji ter upoštevajo različne kulturne in verske običaje.

2. Pomorščakom se med njihovo zaposlitvijo na ladji hrana zagotavlja brezplačno.

3. Pomorščaki, ki so zaposleni kot ladijski kuharji in odgovorni za pripravo hrane, morajo biti usposobljeni in kvalificirani za svoje delovno mesto na ladji.

Standard A 3.2 – Hrana in oskrba

1. Vsaka članica sprejme zakone in druge predpise ali druge ukrepe za zagotovitev minimalnih standardov glede količine in kakovosti hrane in pitne vode ter za zagotovitev standardov oskrbe, ki veljajo za obroke, ki se zagotavljajo pomorščakom na ladjah, ki plujejo pod njeno zastavo, ter organizira izobraževalne dejavnosti za spodbujanje ozaveščenosti in izvajanja standardov iz tega odstavka.

2. Vsaka članica zagotovi, da ladje, ki plujejo pod njeno zastavo, izpolnjujejo te minimalne pogoje:

(a) zaloge hrane in pitne vode morajo biti primerne glede količine, hranilne vrednosti, kakovosti in raznovrstnosti, pri čemer se upoštevajo število pomorščakov na ladji, njihove verske potrebe in kulturni običaji v zvezi s hrano ter trajanje in narava potovanja;

(b) služba za oskrbo mora biti organizirana in opremljena tako, da se lahko za pomorščake pripravljajo primerni, raznovrstni in hranljivi obroki v higienskih razmerah, in

(c) osebje za oskrbo mora biti ustrezno usposobljeno ali poučeno za opravljanje svojega dela.

3. Shipowners shall ensure that seafarers who are engaged as ships' cooks are trained, qualified and found competent for the position in accordance with requirements set out in the laws and regulations of the Member concerned.

4. The requirements under paragraph 3 of this Standard shall include a completion of a training course approved or recognized by the competent authority, which covers practical cookery, food and personal hygiene, food storage, stock control, and environmental protection and catering health and safety.

5. On ships operating with a prescribed manning of less than ten which, by virtue of the size of the crew or the trading pattern, may not be required by the competent authority to carry a fully qualified cook, anyone processing food in the galley shall be trained or instructed in areas including food and personal hygiene as well as handling and storage of food on board ship.

6. In circumstances of exceptional necessity, the competent authority may issue a dispensation permitting a non-fully qualified cook to serve in a specified ship for a specified limited period, until the next convenient port of call or for a period not exceeding one month, provided that the person to whom the dispensation is issued is trained or instructed in areas including food and personal hygiene as well as handling and storage of food on board ship.

7. In accordance with the ongoing compliance procedures under Title 5, the competent authority shall require that frequent documented inspections be carried out on board ships, by or under the authority of the master, with respect to:

- (a) supplies of food and drinking water;
- (b) all spaces and equipment used for the storage and handling of food and drinking water; and
- (c) galley and other equipment for the preparation and service of meals.

8. No seafarer under the age of 18 shall be employed or engaged or work as a ship's cook.

Guideline B3.2 – Food and catering

Guideline B3.2.1 – Inspection, education, research and publication

1. The competent authority should, in cooperation with other relevant agencies and organizations, collect up-to-date information on nutrition and on methods of purchasing, storing, preserving, cooking and serving food, with special reference to the requirements of catering on board a ship. This information should be made available, free of charge or at reasonable cost, to manufacturers of and traders in ships' food supplies and equipment, masters, stewards and cooks, and to shipowners' and seafarers' organizations concerned. Appropriate forms of publicity, such as manuals, brochures, posters, charts or advertisements in trade journals, should be used for this purpose.

2. The competent authority should issue recommendations to avoid wastage of food, facilitate the maintenance of a proper standard of hygiene, and ensure the maximum practicable convenience in working arrangements.

3. The competent authority should work with relevant agencies and organizations to develop educational materials and on-board information concerning methods of ensuring proper food supply and catering services.

4. The competent authority should work in close cooperation with the shipowners' and seafarers' organizations concerned and with national or local authorities dealing with questions of food and health, and may where necessary utilize the services of such authorities.

Guideline B3.2.2 – Ships' cooks

1. Seafarers should only be qualified as ships' cooks if they have:

- (a) served at sea for a minimum period to be prescribed by the competent authority, which could be varied to take into account existing relevant qualifications or experience;

3. Ladjarji zagotovijo, da so pomorščaki, ki so zaposleni kot ladijski kuharji, usposobljeni, kvalificirani in sposobni opravljati to delo v skladu z zahtevami, določenimi v zakonih in drugih predpisih članice.

4. Zahteve iz tretjega odstavka tega standarda vključujejo opravljen tečaj usposabljanja, ki ga odobri ali prizna pristojni organ ter vključuje praktično kuhanje, higieno živil in osebno higieno, shranjevanje živil, nadzor nad zalogami, varovanje okolja ter varnost in zdravje pri oskrbi.

5. Na ladjah, ki v skladu s predpisi plujejo z največ desetimi člani posadke in od katerih pristojni organ zaradi velikosti posadke oziroma zaradi načina poslovanja ne zahteva, da imajo v posadki polno kvalificiranega kuharja, mora biti vsak, ki pripravlja hrano v ladijski kuhinji, usposobljen na področjih, kot so higiena živil, osebna higiena, ravnanje s hrano in shranjevanje hrane na ladji, ali seznanjena s temi področji.

6. V izjemnih okoliščinah lahko pristojni organ dovoli, da je na ladji za določeno omejeno obdobje zaposlen kuhar, ki ni polno kvalificiran, dokler ladja ne pripluje do prvega primerne pristanišča pristanka, ali za obdobje, ki ni daljše od enega meseca, če je oseba, za katero se izda dovoljenje, usposobljena na področjih, kot so higiena živil, osebna higiena, ravnanje s hrano in shranjevanje hrane na ladji, ali seznanjena s temi področji.

7. V skladu s postopki stalnega izpolnjevanja zahtev iz 5. poglavja pristojni organ zahteva, da poveljnik ali oseba z njegovim pooblastilom na ladjah pogosto opravlja nadzor, ki mora biti dokumentiran, v zvezi z:

- (a) zalogami hrane in pitne vode;
- (b) vsemi prostori in opremo, ki se uporabljajo za shranjevanje hrane in pitne vode ter ravnanje z njima, in
- (c) kuhinjo in drugo opremo za pripravo in strežbo obrokov.

8. Pomorščak, mlajši od 18 let, ne sme biti zaposlen, najet ali delati kot ladijski kuhar.

Smernica B 3.2 – Hrana in oskrba

Smernica B 3.2.1 – Nadzor, izobraževanje, raziskave in objave

1. Pristojni organ mora v sodelovanju z drugimi ustreznimi agencijami in organizacijami zbirati najnovejše informacije o prehranjevanju ter načinih nakupovanja, shranjevanja, konzerviranja, priprave in strežbe hrane, ki se posebej nanašajo na potrebe po oskrbi na ladjah. Te informacije morajo biti brezplačno ali po zmerni ceni na voljo proizvajalcem hrane in opreme za ladje, trgovcem s hrano in opremo za ladje, poveljnikom, strežnikom in kuharjem ter organizacijam ladjarjev in pomorščakov. V ta namen se uporabljajo primerne oblike obveščanja javnosti, kot so priročniki, brošure, plakati, grafični prikazi ali oglaševanje v strokovnih publikacijah.

2. Pristojni organ mora izdati priporočila za preprečevanje nepotrebne porabe hrane, omogočanje lažjega vzdrževanja ustreznih higienskih standardov in zagotavljanje najboljše organizacije dela.

3. Pristojni organ mora sodelovati z ustreznimi agencijami in organizacijami pri pripravi izobraževalnega gradiva in ladijskih informacij o načinih zagotavljanja primernih zalog hrane in oskrbe.

4. Pristojni organ mora tesno sodelovati z organizacijami ladjarjev in pomorščakov ter z državnimi ali lokalnimi organi, ki se ukvarjajo s problematiko zdravja in prehrane, ter po potrebi lahko uporabi storitve teh organov.

Smernica B 3.2.2 – Ladijski kuharji

1. Pomorščaki so lahko kvalificirani kot ladijski kuharji, samo če:

- (a) so delali na ladji najmanj tako obdobje, kot ga predpiše pristojni organ, ki pa je lahko različno glede na njihove dotedanje ustrezne kvalifikacije in izkušnje;

(b) passed an examination prescribed by the competent authority or passed an equivalent examination at an approved training course for cooks.

2. The prescribed examination may be conducted and certificates granted either directly by the competent authority or, subject to its control, by an approved school for the training of cooks.

3. The competent authority should provide for the recognition, where appropriate, of certificates of qualification as ships' cooks issued by other Members, which have ratified this Convention or the Certification of Ships' Cooks Convention, 1946 (No. 69), or other approved body.

TITLE 4. HEALTH PROTECTION, MEDICAL CARE, WELFARE AND SOCIAL SECURITY PROTECTION

Regulation 4.1 – Medical care on board ship and ashore

Purpose: To protect the health of seafarers and ensure their prompt access to medical care on board ship and ashore

1. Each Member shall ensure that all seafarers on ships that fly its flag are covered by adequate measures for the protection of their health and that they have access to prompt and adequate medical care whilst working on board.

2. The protection and care under paragraph 1 of this Regulation shall, in principle, be provided at no cost to the seafarers.

3. Each Member shall ensure that seafarers on board ships in its territory who are in need of immediate medical care are given access to the Member's medical facilities on shore.

4. The requirements for on-board health protection and medical care set out in the Code include standards for measures aimed at providing seafarers with health protection and medical care as comparable as possible to that which is generally available to workers ashore.

Standard A4.1 – Medical care on board ship and ashore

1. Each Member shall ensure that measures providing for health protection and medical care, including essential dental care, for seafarers working on board a ship that flies its flag are adopted which:

(a) ensure the application to seafarers of any general provisions on occupational health protection and medical care relevant to their duties, as well as of special provisions specific to work on board ship;

(b) ensure that seafarers are given health protection and medical care as comparable as possible to that which is generally available to workers ashore, including prompt access to the necessary medicines, medical equipment and facilities for diagnosis and treatment and to medical information and expertise;

(c) give seafarers the right to visit a qualified medical doctor or dentist without delay in ports of call, where practicable;

(d) ensure that, to the extent consistent with the Member's national law and practice, medical care and health protection services while a seafarer is on board ship or landed in a foreign port are provided free of charge to seafarers; and

(e) are not limited to treatment of sick or injured seafarers but include measures of a preventive character such as health promotion and health education programmes.

2. The competent authority shall adopt a standard medical report form for use by the ships' masters and relevant onshore and on-board medical personnel. The form, when completed, and its contents shall be kept confidential and shall only be used to facilitate the treatment of seafarers.

3. Each Member shall adopt laws and regulations establishing requirements for on-board hospital and medical care facilities and equipment and training on ships that fly its flag.

(b) so opravili izpit, ki ga predpiše pristojni organ, ali enakovreden izpit na priznanem tečaju usposabljanja za kuharje.

2. Pristojni organ lahko neposredno izvaja predpisane izpite in izdaja potrdila ali pa to opravlja priznana šola za usposabljanje kuharjev, ki je pod njegovim nadzorom.

3. Pristojni organ mora po potrebi zagotoviti priznavanje potrdil o strokovni usposobljenosti ladijskih kuharjev, ki so jih izdale druge članice, ki so ratificirale to konvencijo ali Konvencijo o diplomih in strokovni usposobljenosti ladijskih kuharjev, 1946 (št. 69), ali jih je izdal drug priznan organ.

4. POGLAVJE: VAROVANJE ZDRAVJA, ZDRAVSTVENA OSKRBA, DOBRO POČUTJE IN ZAGOTAVLJANJE SOCIALNE VARNOSTI

Pravilo 4.1 – Zdravstvena oskrba na ladji in kopnem

Namen: varovati zdravje pomorščakov in jim zagotoviti takojšnjo zdravstveno oskrbo na ladji in kopnem

1. Vsaka članica zagotovi, da se za vse pomorščake na ladjah pod njeno zastavo izvajajo ustrezni ukrepi za varovanje njihovega zdravja ter da so med delom na ladji deležni takojšnje in ustrezne zdravstvene oskrbe.

2. Varovanje in oskrba iz prvega odstavka tega pravila sta pomorščakom načeloma zagotovljena brezplačno.

3. Vsaka članica zagotovi, da je pomorščakom na ladjah na njenem ozemlju, ki potrebujejo takojšnjo zdravstveno oskrbo, zagotovljen dostop do zdravstvenih storitev na kopnem članice.

4. Zahteve za varovanje zdravja in zdravstveno oskrbo iz kodeksa vključujejo standarde za ukrepe, katerih namen je, da se pomorščakom zagotovita varovanje zdravja in zdravstvena oskrba, ki sta kar najprimerljivejša s tistima, ki sta zagotovljena delavcem na kopnem.

Standard A 4.1 – Zdravstvena oskrba na ladji in kopnem

1. Vsaka članica zagotovi, da so za pomorščake na ladjah pod njeno zastavo sprejeti ukrepi za zagotovitev varovanja zdravja in zdravstvene oskrbe, vključno z osnovno zobozdravstveno oskrbo, ki:

(a) zagotavljajo, da za pomorščake veljajo vse splošne določbe o varovanju zdravja pri delu in zdravstveni oskrbi, ustrezne njihovim nalogam, ter posebne določbe, ki so značilne za delo na ladji;

(b) jamčijo, da se pomorščakom zagotavljata varovanje zdravja in zdravstvena oskrba, ki sta kar najprimerljivejša s tistima, ki sta zagotovljena delavcem na kopnem, vključno s takojšnjim dostopom do potrebnih zdravil, medicinske opreme in opreme za diagnostiko in zdravljenje ter zdravstvenih informacij in strokovnega znanja;

(c) omogočajo pomorščakom, da v pristaniščih takoj obiščejo usposobljenega zdravnika ali zobozdravnika, kadar je izvedljivo;

(d) zagotavljajo, da se storitve zdravstvene oskrbe in varovanja zdravja skladno z notranjo zakonodajo in prakso članice pomorščakom zagotavljajo brezplačno, ko so na ladji ali se izkrcajo v tujem pristanišču, in

(e) niso omejeni na zdravljenje bolnih ali poškodovanih pomorščakov, temveč vključujejo preventivne ukrepe, kot so programi za krepitev zdravja in izobraževalni programi.

2. Pristojni organ sprejme standardni obrazec zdravstvenega poročila, ki ga uporabljajo poveljniki ladij ter zdravstveno osebje na kopnem in ladji. Izpolnjen obrazec in njegova vsebina morata biti zaupna ter se uporabljata le za lažje zdravljenje pomorščakov.

3. Vsaka članica sprejme zakone in druge predpise, ki določajo zahteve za ladijsko bolnišnico in ambulanto ter opremo in usposabljanje za zdravstveno oskrbo na ladjah, ki plujejo pod njeno zastavo.

4. National laws and regulations shall as a minimum provide for the following requirements:

(a) all ships shall carry a medicine chest, medical equipment and a medical guide, the specifics of which shall be prescribed and subject to regular inspection by the competent authority; the national requirements shall take into account the type of ship, the number of persons on board and the nature, destination and duration of voyages and relevant national and international recommended medical standards;

(b) ships carrying 100 or more persons and ordinarily engaged on international voyages of more than three days' duration shall carry a qualified medical doctor who is responsible for providing medical care; national laws or regulations shall also specify which other ships shall be required to carry a medical doctor, taking into account, inter alia, such factors as the duration, nature and conditions of the voyage and the number of seafarers on board;

(c) ships which do not carry a medical doctor shall be required to have either at least one seafarer on board who is in charge of medical care and administering medicine as part of their regular duties or at least one seafarer on board competent to provide medical first aid; persons in charge of medical care on board who are not medical doctors shall have satisfactorily completed training in medical care that meets the requirements of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended ("STCW"); seafarers designated to provide medical first aid shall have satisfactorily completed training in medical first aid that meets the requirements of STCW; national laws or regulations shall specify the level of approved training required taking into account, inter alia, such factors as the duration, nature and conditions of the voyage and the number of seafarers on board; and

(d) the competent authority shall ensure by a prearranged system that medical advice by radio or satellite communication to ships at sea, including specialist advice, is available 24 hours a day; medical advice, including the onward transmission of medical messages by radio or satellite communication between a ship and those ashore giving the advice, shall be available free of charge to all ships irrespective of the flag that they fly.

Guideline B4.1 – Medical care on board ship and ashore

Guideline B4.1.1 – Provision of medical care

1. When determining the level of medical training to be provided on board ships that are not required to carry a medical doctor, the competent authority should require that:

(a) ships which ordinarily are capable of reaching qualified medical care and medical facilities within eight hours should have at least one designated seafarer with the approved medical first-aid training required by STCW which will enable such persons to take immediate, effective action in case of accidents or illnesses likely to occur on board a ship and to make use of medical advice by radio or satellite communication; and

(b) all other ships should have at least one designated seafarer with approved training in medical care required by STCW, including practical training and training in life-saving techniques such as intravenous therapy, which will enable the persons concerned to participate effectively in coordinated schemes for medical assistance to ships at sea, and to provide the sick or injured with a satisfactory standard of medical care during the period they are likely to remain on board.

2. The training referred to in paragraph 1 of this Guideline should be based on the contents of the most recent editions of the *International Medical Guide for Ships*, the *Medical First Aid Guide for Use in Accidents Involving Dangerous Goods*, the *Document for Guidance – An International Maritime Training Guide*, and the medical section of the *International Code of Signals* as well as similar national guides.

4. Notranji zakoni in drugi predpisi morajo predvideti vsaj te zahteve:

(a) vse ladje morajo imeti omarico z zdravili, medicinsko opremo in zdravstveni priročnik, katerih vrste predpiše pristojni organ in jih tudi redno nadzira; pri predpisovanju teh zahtev se upoštevajo tip ladje, število oseb na ladji, narava, namembni kraj in trajanje potovanja ter ustrezni notranji in mednarodni priporočeni zdravstveni standardi;

(b) ladje s 100 ali več osebami, ki redno opravljajo mednarodna potovanja, daljša od treh dni, morajo imeti usposobljenega zdravnika, odgovornega za zagotavljanje zdravstvene oskrbe; notranji zakoni ali drugi predpisi morajo tudi določiti, na katerih drugih ladjah se zahteva navzočnost zdravnika, pri čemer se med drugim upoštevajo trajanje, narava in okoliščine potovanja ter število pomorščakov na ladji;

(c) ladje, na katerih ni zdravnika, morajo imeti vsaj enega pomorščaka, ki je v okviru svojih rednih nalog odgovoren za zdravstveno oskrbo in dajanje zdravil, ali vsaj enega pomorščaka, usposobljenega za nujno medicinsko pomoč; osebe, ki so na ladji odgovorne za zdravstveno oskrbo in niso zdravniki, morajo imeti uspešno končano usposabljanje za zdravstveno oskrbo, ki ustreza zahtevam Mednarodne konvencije o standardih za usposabljanje, izdajanje spričeval in ladijsko stražarjenje pomorščakov, 1978, kot je bila spremenjena ("STCW"); pomorščaki, odgovorni za nujno medicinsko pomoč, morajo uspešno opraviti usposabljanje iz nujne medicinske pomoči, ki izpolnjuje zahteve STCW; notranji zakoni ali drugi predpisi morajo določiti zahtevano raven odobrenega usposabljanja, pri čemer se med drugim upoštevajo trajanje, narava in okoliščine potovanja ter število pomorščakov na ladji, in

(d) pristojni organ mora s predhodno urejenim sistemom zagotoviti, da je po radijski ali satelitski zvezi ladjam na morju 24 ur dnevno na voljo posvetovanje z zdravnikom, ki vključuje tudi možnost posveta s specialistom; posvetovanje z zdravnikom, vključno z nadaljnjim prenosom zdravniških sporočil po radijski ali satelitski zvezi med ladjo in svetovalci na kopnem, je brezplačno na voljo vsem ladjam ne glede na zastavo, pod katero plujejo.

Smernica B 4.1 – Zdravstvena oskrba na ladji in kopnem

Smernica B 4.1.1 – Zagotavljanje zdravstvene oskrbe

1. Pri določanju ravni usposobljenosti za zdravstveno oskrbo, ki mora biti zagotovljena na ladjah, pri katerih se ne zahteva navzočnost zdravnika, pristojni organ zahteva, da:

(a) imajo ladje, ki so navadno zmožne v osmih urah priti do strokovne zdravstvene oskrbe in zdravstvenih zmogljivosti, vsaj enega pomorščaka, ki je opravil usposabljanje iz nujne medicinske pomoči, predpisano v STCW, kar mu omogoča, da takoj učinkovito ukrepa ob poškodbah ali boleznih, do katerih bi lahko prišlo na ladji, in uporabi radijsko ali satelitsko zvezo za posvetovanje z zdravnikom, in

(b) imajo vse druge ladje vsaj enega pomorščaka, ki je opravil usposabljanje iz zdravstvene oskrbe, predpisano v STCW, vključno s praktičnim usposabljanjem in usposabljanjem na načine reševanja življenja, kot je intravenozno zdravljenje, kar mu omogoča, da učinkovito sodeluje pri usklajenih programih medicinske pomoči na ladji na morju in da bolnim ali poškodovanim zagotovi ustrezen standard zdravstvene oskrbe, dokler so na ladji.

2. Usposabljanje iz prvega odstavka te smernice mora temeljiti na vsebini najnovejših izdaj *Mednarodnega zdravstvenega priročnika za ladje*, *Priročnika prve medicinske pomoči za uporabo pri nezgodah*, *ki vključujejo nevarno blago*, *Dokument za usmeritve – Mednarodnih navodil za pomorsko usposabljanje* ter zdravstvenega poglavja *Mednarodnega signalnega kodeksa* in podobnih notranjepravnih navodil.

3. Persons referred to in paragraph 1 of this Guideline and such other seafarers as may be required by the competent authority should undergo, at approximately five- year intervals, refresher courses to enable them to maintain and increase their knowledge and skills and to keep up-to-date with new developments.

4. The medicine chest and its contents, as well as the medical equipment and medical guide carried on board, should be properly maintained and inspected at regular intervals, not exceeding 12 months, by responsible persons designated by the competent authority, who should ensure that the labelling, expiry dates and conditions of storage of all medicines and directions for their use are checked and all equipment functioning as required. In adopting or reviewing the ship's medical guide used nationally, and in determining the contents of the medicine chest and medical equipment, the competent authority should take into account international recommendations in this field, including the latest edition of the *International Medical Guide for Ships*, and other guides mentioned in paragraph 2 of this Guideline.

5. Where a cargo which is classified dangerous has not been included in the most recent edition of the *Medical First Aid Guide for Use in Accidents Involving Dangerous Goods*, the necessary information on the nature of the substances, the risks involved, the necessary personal protective devices, the relevant medical procedures and specific antidotes should be made available to the seafarers. Such specific antidotes and personal protective devices should be on board whenever dangerous goods are carried. This information should be integrated with the ship's policies and programmes on occupational safety and health described in Regulation 4.3 and related Code provisions.

6. All ships should carry a complete and up-to-date list of radio stations through which medical advice can be obtained; and, if equipped with a system of satellite communication, carry an up-to-date and complete list of coast earth stations through which medical advice can be obtained. Seafarers with responsibility for medical care or medical first aid on board should be instructed in the use of the ship's medical guide and the medical section of the most recent edition of the *International Code of Signals* so as to enable them to understand the type of information needed by the advising doctor as well as the advice received.

Guideline B4.1.2 – Medical report form

1. The standard medical report form for seafarers required under Part A of this Code should be designed to facilitate the exchange of medical and related information concerning individual seafarers between ship and shore in cases of illness or injury.

Guideline B4.1.3 – Medical care ashore

1. Shore-based medical facilities for treating seafarers should be adequate for the purposes. The doctors, dentists and other medical personnel should be properly qualified.

2. Measures should be taken to ensure that seafarers have access when in port to:

- (a) outpatient treatment for sickness and injury;
- (b) hospitalization when necessary; and
- (c) facilities for dental treatment, especially in cases of emergency.

3. Suitable measures should be taken to facilitate the treatment of seafarers suffering from disease. In particular, seafarers should be promptly admitted to clinics and hospitals ashore, without difficulty and irrespective of nationality or religious belief, and, whenever possible, arrangements should be made to ensure, when necessary, continuation of treatment to supplement the medical facilities available to them.

3. Osebe iz prvega odstavka te smernice in drugi pomorščaki, od katerih to zahteva pristojni organ, se morajo v približno petletnih časovnih presledkih udeležiti izpopolnitvenega tečaja, ki jim omogoči, da ohranjajo in dopolnjujejo svoje znanje in veščine ter spremljajo najnovejša dognanja.

4. Odgovorne osebe, ki jih določi pristojni organ, morajo pravilno vzdrževati in pregledovati omarico z zdravili in njeno vsebino ter medicinsko opremo in zdravstveni priročnik na ladji v rednih časovnih presledkih, ki niso daljši od 12 mesecev, preverjati označevanje, roke uporabe in pogoje shranjevanja vseh zdravil in navodila za njihovo uporabo ter vso opremo, da deluje, kot je zahtevano. Pri sprejemanju ali pregledovanju ladijskega zdravstvenega priročnika, ki se uporablja na državni ravni, ter pri določanju vsebine omarice z zdravili in medicinske opreme pristojni organ upošteva mednarodna priporočila na tem področju, vključno z najnovejšo izdajo *Mednarodnega zdravstvenega priročnika za ladje* in drugimi navodili, navedenimi v drugem odstavku te smernice.

5. Kadar tovar, določen kot nevaren, ni vključen v najnovejšo izdajo *Priročnika prve medicinske pomoči za uporabo pri nezgodah, ki vključujejo nevarno blago*, je treba pomorščakom zagotoviti potrebne informacije o lastnostih snovi, tveganjih, potrebni osebni varovalni opremi, ustreznih zdravstvenih postopkih in protistrupih. Protistrupi in osebna varovalna oprema morajo biti na ladji vedno, kadar se prevažata nevarno blago. Te informacije morajo biti sestavni del politik in programov varnosti in zdravja pri delu na ladji iz pravila 4.3 in s tem povezanih določb kodeksa.

6. Vse ladje morajo imeti popoln in posodobljen seznam radijskih postaj, prek katerih se je mogoče posvetovati z zdravnikom; če so opremljene s sistemom za satelitsko zvezo, pa morajo imeti posodobljen in popoln seznam obalnih zemeljskih postaj, prek katerih se je mogoče posvetovati z zdravnikom. Pomorščaki, odgovorni za zdravstveno oskrbo ali nujno medicinsko pomoč na ladji, morajo biti poučeni o uporabi ladijskega zdravstvenega priročnika in zdravstvenega poglavja najnovejše izdaje *Mednarodnega signalnega kodeksa*, da lahko razumejo vrsto informacij, ki jih potrebuje zdravnik, s katerim se posvetujejo, in prejete nasvete.

Smernica B 4.1.2 – Obrazec zdravstvenega poročila

1. Standardni obrazec zdravstvenega poročila za pomorščake v skladu z delom A tega kodeksa je treba oblikovati tako, da olajša izmenjavo zdravstvenih in drugih za zdravljenje pomembnih informacij o posameznih pomorščakih med ladjo in kopnim ob boleznih ali poškodbah.

Smernica B 4.1.3 – Zdravstvena oskrba na kopnem

1. Zdravstvene zmogljivosti za zdravljenje pomorščakov na kopnem morajo biti ustrezne. Zdravniki, zobozdravniki in drugo zdravstveno osebje morajo biti primerno usposobljeni.

2. Sprejeti je treba ukrepe, da se pomorščakom v pristanišču zagotovijo:

- (a) ambulantno zdravljenje bolezni in poškodb;
- (b) bolnišnično zdravljenje, če je potrebno, in
- (c) zobozdravstveno zdravljenje, zlasti v nujnih primerih.

3. Sprejeti je treba ustrezne ukrepe za čim hitrejšo zdravljenje obolelih pomorščakov. Predvsem je treba pomorščake takoj brez ovir sprejeti v ambulante in bolnišnice na kopnem ne glede na državljanstvo ali versko prepričanje ter po možnosti zagotoviti nadaljevanje zdravljenja, če ga potrebujejo.

Guideline B4.1.4 – Medical assistance to other ships and international cooperation

1. Each Member should give due consideration to participating in international cooperation in the area of assistance, programmes and research in health protection and medical care. Such cooperation might cover:

(a) developing and coordinating search and rescue efforts and arranging prompt medical help and evacuation at sea for the seriously ill or injured on board a ship through such means as periodic ship position reporting systems, rescue coordination centres and emergency helicopter services, in conformity with the International Convention on Maritime Search and Rescue, 1979, as amended, and the *International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual*;

(b) making optimum use of all ships carrying a doctor and stationing ships at sea which can provide hospital and rescue facilities;

(c) compiling and maintaining an international list of doctors and medical care facilities available worldwide to provide emergency medical care to seafarers;

(d) landing seafarers ashore for emergency treatment;

(e) repatriating seafarers hospitalized abroad as soon as practicable, in accordance with the medical advice of the doctors responsible for the case, which takes into account the seafarer's wishes and needs;

(f) arranging personal assistance for seafarers during repatriation, in accordance with the medical advice of the doctors responsible for the case, which takes into account the seafarer's wishes and needs;

(g) endeavouring to set up health centres for seafarers to:

(i) conduct research on the health status, medical treatment and preventive health care of seafarers; and

(ii) train medical and health service staff in maritime medicine;

(h) collecting and evaluating statistics concerning occupational accidents, diseases and fatalities of seafarers and integrating and harmonizing the statistics with any existing national system of statistics on occupational accidents and diseases covering other categories of workers;

(i) organizing international exchanges of technical information, training material and personnel, as well as international training courses, seminars and working groups;

(j) providing all seafarers with special curative and preventive health and medical services in port, or making available to them general health, medical and rehabilitation services; and

(k) arranging for the repatriation of the bodies or ashes of deceased seafarers, in accordance with the wishes of the next of kin and as soon as practicable.

2. International cooperation in the field of health protection and medical care for seafarers should be based on bilateral or multilateral agreements or consultations among Members.

Guideline B4.1.5 – Dependants of seafarers

1. Each Member should adopt measures to secure proper and sufficient medical care for the dependants of seafarers domiciled in its territory pending the development of a medical care service which would include within its scope workers generally and their dependants where such services do not exist and should inform the International Labour Office concerning the measures taken for this purpose.

Smernica B 4.1.4 – Zdravstvena pomoč drugim ladjam in mednarodno sodelovanje

1. Vsaka članica se mora sama odločiti o sodelovanju na mednarodni ravni na področju pomoči, pri programih in raziskavah o varovanju zdravja ter zdravstveni oskrbi. Sodelovanje lahko vključuje:

(a) razvoj in usklajevanje iskanja in reševanja ter zagotovitev takojšnje nujne medicinske pomoči in evakuacijo na morju pri hujše obolelih ali poškodovanih na ladji s pomočjo sistemov rednega javljanja položaja ladje, centrov za usklajevanje reševanja in helikopterske nujne medicinske pomoči v skladu z Mednarodno konvencijo o iskanju in reševanju na morju, 1979, kot je bila spremenjena, in *Mednarodnim priročnikom za letalsko in pomorsko iskanje in reševanje (IAMSAR)*;

(b) najboljšo mogočo uporabo vseh ladij, ki imajo zdravnika, ter določanje položaja ladij na morju, ki lahko zagotovijo bolnišnične in reševalne zmogljivosti;

(c) sestavljanje in obnavljanje mednarodnega seznama zdravnikov in zmogljivosti zdravstvene oskrbe, ki so po svetu na voljo za zagotovitev nujne zdravstvene oskrbe pomorščakov;

(d) izkrcaanje pomorščakov na kopno zaradi nujnega zdravljenja;

(e) repatriacijo pomorščakov, sprejetih v bolnišnico v tujini, takoj ko je mogoče, v skladu z nasvetom zdravnikov, odgovornih za primer, ob upoštevanju pomorščakovih želja in potreb;

(f) ureditev osebne pomoči za pomorščake ob repatriaciji v skladu z nasvetom zdravnikov, odgovornih za primer, ob upoštevanju pomorščakovih želja in potreb;

(g) prizadevanje za ustanovitev zdravstvenih centrov za pomorščake zaradi:

(i) opravljanja raziskav o zdravstvenem stanju, zdravljenju in preventivnem zdravstvenem varstvu pomorščakov in

(ii) usposabljanja zdravstvenega osebja služb pomorske medicine;

(h) zbiranje in vrednotenje statističnih podatkov o nesrečah pri delu, boleznih in smrtnih primerih pomorščakov ter povezovanje in usklajevanje statističnih podatkov s katerim koli veljavnim državnim sistemom statističnih podatkov o nesrečah pri delu in boleznih, ki zajemajo druge kategorije delavcev;

(i) organizacijo mednarodnih izmenjav tehničnih informacij, gradiva za usposabljanje in osebja ter mednarodnih tečajev usposabljanja, seminarjev in delovnih skupin;

(j) zagotavljanje posebnih kurativnih in preventivnih zdravstvenih storitev v pristanišču vsem pomorščakom ali omogočanje dostopa do splošnih zdravstvenih in rehabilitacijskih storitev in

(k) urejanje repatriacije posmrtnih ostankov ali pepela umrlih pomorščakov v skladu z željami najbližjega sorodnika, takoj ko je mogoče.

2. Mednarodno sodelovanje pri varovanju zdravja in zdravstveni oskrbi pomorščakov mora temeljiti na dvostranskih ali večstranskih dogovorih ali posvetovanjih med članicami.

Smernica B 4.1.5 – Vzdrževane osebe pomorščakov

1. Dokler ni storitev zdravstvene oskrbe, namenjenih vsem delavcem in njihovim vzdrževanim osebam, mora vsaka članica sprejeti ukrepe za zagotovitev ustrezne in zadostne zdravstvene oskrbe za vzdrževane osebe pomorščakov s prebivališčem na njenem ozemlju ter obvestiti Mednarodni urad za delo o ukrepih, sprejetih v ta namen.

Regulation 4.2 – Shipowners' liability

Purpose: To ensure that seafarers are protected from the financial consequences of sickness, injury or death occurring in connection with their employment

1. Each Member shall ensure that measures, in accordance with the Code, are in place on ships that fly its flag to provide seafarers employed on the ships with a right to material assistance and support from the shipowner with respect to the financial consequences of sickness, injury or death occurring while they are serving under a seafarers' employment agreement or arising from their employment under such agreement.

2. This Regulation does not affect any other legal remedies that a seafarer may seek.

Standard A4.2 – Shipowners' liability

1. Each Member shall adopt laws and regulations requiring that shipowners of ships that fly its flag are responsible for health protection and medical care of all seafarers working on board the ships in accordance with the following minimum standards:

(a) shipowners shall be liable to bear the costs for seafarers working on their ships in respect of sickness and injury of the seafarers occurring between the date of commencing duty and the date upon which they are deemed duly repatriated, or arising from their employment between those dates;

(b) shipowners shall provide financial security to assure compensation in the event of the death or long-term disability of seafarers due to an occupational injury, illness or hazard, as set out in national law, the seafarers' employment agreement or collective agreement;

(c) shipowners shall be liable to defray the expense of medical care, including medical treatment and the supply of the necessary medicines and therapeutic appliances, and board and lodging away from home until the sick or injured seafarer has recovered, or until the sickness or incapacity has been declared of a permanent character; and

(d) shipowners shall be liable to pay the cost of burial expenses in the case of death occurring on board or ashore during the period of engagement.

2. National laws or regulations may limit the liability of the shipowner to defray the expense of medical care and board and lodging to a period which shall not be less than 16 weeks from the day of the injury or the commencement of the sickness.

3. Where the sickness or injury results in incapacity for work the shipowner shall be liable:

(a) to pay full wages as long as the sick or injured seafarers remain on board or until the seafarers have been repatriated in accordance with this Convention; and

(b) to pay wages in whole or in part as prescribed by national laws or regulations or as provided for in collective agreements from the time when the seafarers are repatriated or landed until their recovery or, if earlier, until they are entitled to cash benefits under the legislation of the Member concerned.

4. National laws or regulations may limit the liability of the shipowner to pay wages in whole or in part in respect of a seafarer no longer on board to a period which shall not be less than 16 weeks from the day of the injury or the commencement of the sickness.

5. National laws or regulations may exclude the shipowner from liability in respect of:

(a) injury incurred otherwise than in the service of the ship;

(b) injury or sickness due to the wilful misconduct of the sick, injured or deceased seafarer; and

(c) sickness or infirmity intentionally concealed when the engagement is entered into.

Pravilo 4.2 – Odgovornost ladjarjev

Namen: zagotoviti, da so pomorščaki zaščiteni pred finančnimi posledicami bolezni, poškodbe ali smrti, ki nastanejo v zvezi z njihovo zaposlitvijo

1. Vsaka članica zagotovi, da se ukrepi, sprejeti v skladu s kodeksom, uporabljajo na ladjah, ki plujejo pod njeno zastavo, in pomorščakom, zaposlenim na teh ladjah, zagotavljajo pravico do gmotne pomoči in podpore ladjarja za izdatke ob bolezni, poškodbi ali smrti, ki nastanejo, medtem ko delajo po pogodbi o zaposlitvi pomorščakov, ali so posledica zaposlitve po tej pogodbi.

2. To pravilo ne vpliva na nobena druga pravna sredstva, ki so pomorščaku na voljo.

Standard A 4.2 – Odgovornost ladjarjev

1. Vsaka članica sprejme zakone in druge predpise, po katerih so lastniki ladij, ki plujejo pod njeno zastavo, odgovorni za varovanje zdravja in zdravstveno oskrbo vseh pomorščakov, ki delajo na ladji, v skladu s temi minimalnimi standardi:

(a) ladjarji so odgovorni za kritje stroškov pomorščakov, ki delajo na njihovih ladjah, v zvezi z boleznijo in poškodbo pomorščakov, ki nastanejo od dneva začetka dela do dneva njihove ustrezne repatriacije ali ki izhajajo iz zaposlitve med tema dnevoma;

(b) ladjarji zagotovijo finančno jamstvo za zagotovitev nadomestila ob smrti ali dolgotrajni invalidnosti pomorščakov zaradi poškodbe pri delu, poklicne bolezni ali tveganja, kot je določeno v notranji zakonodaji, pogodbi o zaposlitvi pomorščakov ali kolektivni pogodbi;

(c) ladjarji so odgovorni za kritje stroškov zdravstvene oskrbe, vključno z zdravljenjem in dobavo potrebnih zdravil in terapevtskih pripomočkov, hrane ter nastanitvijo zunaj doma, dokler si bolni ali poškodovani pomorščak ne opomore ali dokler ni bolezen ali nezmožnost opredeljena kot trajna, in

(d) ladjarji so odgovorni za plačilo pogrebnih stroškov ob smrti na ladji ali kopnem med zaposlitvijo.

2. Notranji zakoni ali drugi predpisi lahko omejijo odgovornost ladjarja za kritje stroškov zdravstvene oskrbe ter hrane in bivanja na obdobje, ki ni krajše od 16 tednov od dneva poškodbe ali začetka bolezni.

3. Kadar je posledica bolezni ali poškodbe nezmožnost za delo, je ladjar odgovoren za:

(a) izplačilo celotnih plač, dokler so bolni ali poškodovani pomorščaki na ladji, oziroma do njihove repatriacije v skladu s to konvencijo in

(b) izplačilo plač v celoti ali deloma, kot je predpisano z notranjimi zakoni ali drugimi predpisi oziroma predvideno v kolektivnih pogodbah, od trenutka repatriacije ali izkrcanja pomorščakov do njihove popolne ozdravitve oziroma do takrat, če je to prej, ko so upravičeni do denarnih prejemkov v skladu z zakoni in drugimi predpisi članice.

4. Notranji zakoni ali drugi predpisi lahko omejijo odgovornost ladjarja za izplačilo plač pomorščaku, ki ni več na ladji, v celoti ali deloma na obdobje, ki ni krajše od 16 tednov od dneva poškodbe ali začetka bolezni.

5. Notranji zakoni ali drugi predpisi lahko izključujejo odgovornost ladjarja za:

(a) poškodbo, ki ni nastala med službovanjem na ladji;

(b) poškodbo ali bolezen zaradi namernega neprimerne vedenja bolnega, poškodovanega ali umrlega pomorščaka in

(c) bolezen ali oslabelost, ki je bila namerno zamolčana ob nastopu zaposlitve.

6. National laws or regulations may exempt the shipowner from liability to defray the expense of medical care and board and lodging and burial expenses in so far as such liability is assumed by the public authorities.

7. Shipowners or their representatives shall take measures for safeguarding property left on board by sick, injured or deceased seafarers and for returning it to them or to their next of kin.

Guideline B4.2 – Shipowners' liability

1. The payment of full wages required by Standard A4.2, paragraph 3(a), may be exclusive of bonuses.

2. National laws or regulations may provide that a shipowner shall cease to be liable to bear the costs of a sick or injured seafarer from the time at which that seafarer can claim medical benefits under a scheme of compulsory sickness insurance, compulsory accident insurance or workers' compensation for accidents.

3. National laws or regulations may provide that burial expenses paid by the shipowner shall be reimbursed by an insurance institution in cases in which funeral benefit is payable in respect of the deceased seafarer under laws or regulations relating to social insurance or workers' compensation.

Regulation 4.3 – Health and safety protection and accident prevention

Purpose: To ensure that seafarers' work environment on board ships promotes occupational safety and health

1. Each Member shall ensure that seafarers on ships that fly its flag are provided with occupational health protection and live, work and train on board ship in a safe and hygienic environment.

2. Each Member shall develop and promulgate national guidelines for the management of occupational safety and health on board ships that fly its flag, after consultation with representative shipowners' and seafarers' organizations and taking into account applicable codes, guidelines and standards recommended by international organizations, national administrations and maritime industry organizations.

3. Each Member shall adopt laws and regulations and other measures addressing the matters specified in the Code, taking into account relevant international instruments, and set standards for occupational safety and health protection and accident prevention on ships that fly its flag.

Standard A4.3 – Health and safety protection and accident prevention

1. The laws and regulations and other measures to be adopted in accordance with Regulation 4.3, paragraph 3, shall include the following subjects:

(a) the adoption and effective implementation and promotion of occupational safety and health policies and programmes on ships that fly the Member's flag, including risk evaluation as well as training and instruction of seafarers;

(b) reasonable precautions to prevent occupational accidents, injuries and diseases on board ship, including measures to reduce and prevent the risk of exposure to harmful levels of ambient factors and chemicals as well as the risk of injury or disease that may arise from the use of equipment and machinery on board ships;

(c) on-board programmes for the prevention of occupational accidents, injuries and diseases and for continuous improvement in occupational safety and health protection, involving seafarers' representatives and all other persons concerned in their implementation, taking account of preventive measures, including engineering and design control, substitution of processes and procedures for collective and individual tasks, and the use of personal protective equipment; and

6. Po notranjih zakonih ali drugih predpisih je lahko ladjar oproščen odgovornosti za kritje stroškov zdravstvene oskrbe, hrane in bivanja ter pogrebnih stroškov, če to odgovornost prevzamejo organi oblasti.

7. Ladjarji ali njihovi predstavniki sprejmejo ukrepe za varovanje lastnine, ki je ostala na ladji za bolnimi, poškodovanimi ali umrlimi pomorščaki, ter vrnitev te lastnine njim ali njihovim najbližjim sorodnikom.

Smernica B 4.2 – Odgovornost ladjarjev

1. Izplačilo celotnih plač iz točke a tretjega odstavka standarda A 4.2 je lahko brez dodatkov.

2. Notranji zakoni ali drugi predpisi lahko določajo, da ladjar ni odgovoren za kritje stroškov bolnega ali poškodovanega pomorščaka od trenutka, ko lahko pomorščak zahteva zdravstvene storitve po sistemu obveznega zdravstvenega zavarovanja, obveznega nezgodnega zavarovanja ali nadomestilo delavcem zaradi nezgode pri delu.

3. Notranji zakoni ali drugi predpisi lahko določajo, da zavarovalnica povrne stroške pogreba, ki jih je plačal ladjar, kadar se pogrebina za umrlega pomorščaka plača po zakonih ali drugih predpisih o socialnem zavarovanju ali nadomestilu delavcem.

Pravilo 4.3 – Zagotavljanje varnosti in zdravja ter preprečevanje nezgod

Namen: zagotoviti pomorščakom na ladjah delovno okolje, ki izboljšuje varnost in zdravje pri delu

1. Vsaka članica zagotavlja varstvo zdravja pri delu ter varno in čisto okolje za življenje, delo in usposabljanje za vse pomorščake na ladji, ki pluje pod njeno zastavo.

2. Vsaka članica sprejme in objavi svoje smernice za nadzor nad varnostjo in zdravjem pri delu na ladji, ki pluje pod njeno zastavo, in sicer po posvetovanju s predstavniki organizacij ladjarjev in pomorščakov, ter upošteva kodekse, smernice in standarde, ki jih priporočajo mednarodne organizacije, uprave držav in organizacije v pomorstvu.

3. Vsaka članica sprejme zakone in druge predpise ter druge ukrepe v zvezi z zadevami, ki jih določa kodeks, pri čemer se upoštevajo ustrezni mednarodni akti, ter določi standarde za zagotavljanje varnosti in zdravja pri delu ter preprečevanje nezgod pri delu na ladjah, ki plujejo pod njeno zastavo.

Standard A 4.3 – Zagotavljanje varnosti in zdravja ter preprečevanje nezgod

1. Zakoni in drugi predpisi ter ukrepi, ki jih je treba sprejeti v skladu s tretjim odstavkom pravila 4.3, vključujejo:

(a) sprejetje in učinkovito izvajanje ter spodbujanje politik in programov o varnosti in zdravju pri delu na ladji, ki pluje pod zastavo članice, vključno z ugotovitvijo tveganj ter usposabljanjem in izobraževanjem pomorščakov;

(b) ukrepe za preprečevanje nezgod pri delu, poškodb in boleznih na ladji, vključno z ukrepi za zmanjševanje in preprečevanje tveganja zaradi izpostavljenosti vplivu škodljivih ravni okoljskih dejavnikov in kemikalij ter tudi tveganja za nastanek poškodb in boleznih, ki bi lahko nastale pri uporabi opreme in strojev na ladji;

(c) programe na ladji za preprečevanje nezgod pri delu, poškodb in boleznih ter za nenehno varovanje zdravja in varnost pri delu, v izvajanje katerih so vključeni predstavniki pomorščakov in druge osebe, pri čemer je treba upoštevati preventivne ukrepe, vključno s tehničnim in konstrukcijskim nadzorom, nadomestitvijo postopkov za skupne in posamične naloge in uporabo osebne varovalne opreme, in

(d) requirements for inspecting, reporting and correcting unsafe conditions and for investigating and reporting on-board occupational accidents.

2. The provisions referred to in paragraph 1 of this Standard shall:

(a) take account of relevant international instruments dealing with occupational safety and health protection in general and with specific risks, and address all matters relevant to the prevention of occupational accidents, injuries and diseases that may be applicable to the work of seafarers and particularly those which are specific to maritime employment;

(b) clearly specify the obligation of shipowners, seafarers and others concerned to comply with the applicable standards and with the ship's occupational safety and health policy and programme with special attention being paid to the safety and health of seafarers under the age of 18;

(c) specify the duties of the master or a person designated by the master, or both, to take specific responsibility for the implementation of and compliance with the ship's occupational safety and health policy and programme; and

(d) specify the authority of the ship's seafarers appointed or elected as safety representatives to participate in meetings of the ship's safety committee. Such a committee shall be established on board a ship on which there are five or more seafarers.

3. The laws and regulations and other measures referred to in Regulation 4.3, paragraph 3, shall be regularly reviewed in consultation with the representatives of the shipowners' and seafarers' organizations and, if necessary, revised to take account of changes in technology and research in order to facilitate continuous improvement in occupational safety and health policies and programmes and to provide a safe occupational environment for seafarers on ships that fly the Member's flag.

4. Compliance with the requirements of applicable international instruments on the acceptable levels of exposure to workplace hazards on board ships and on the development and implementation of ships' occupational safety and health policies and programmes shall be considered as meeting the requirements of this Convention.

5. The competent authority shall ensure that:

(a) occupational accidents, injuries and diseases are adequately reported, taking into account the guidance provided by the International Labour Organization with respect to the reporting and recording of occupational accidents and diseases;

(b) comprehensive statistics of such accidents and diseases are kept, analysed and published and, where appropriate, followed up by research into general trends and into the hazards identified; and

(c) occupational accidents are investigated.

6. Reporting and investigation of occupational safety and health matters shall be designed to ensure the protection of seafarers' personal data, and shall take account of the guidance provided by the International Labour Organization on this matter.

7. The competent authority shall cooperate with shipowners' and seafarers' organizations to take measures to bring to the attention of all seafarers information concerning particular hazards on board ships, for instance, by posting official notices containing relevant instructions.

8. The competent authority shall require that shipowners conducting risk evaluation in relation to management of occupational safety and health refer to appropriate statistical information from their ships and from general statistics provided by the competent authority.

(d) zahteve v zvezi z nadzorom, poročanjem in odpravljanjem razmer, ki niso varne, ter preiskovanjem nezgod pri delu na ladji in poročanjem o njih.

2. Določbe prvega odstavka tega standarda:

(a) upoštevajo ustrezne mednarodne akte o zagotavljanju varnosti in zdravja pri delu, in sicer splošne zahteve in tudi posebna tveganja, obravnavajo vsa vprašanja v zvezi s preprečevanjem nezgod pri delu, poškodb in bolezni, povezanih z delom pomorščakov, zlasti pri opravljanju del, značilnih za zaposlitve v pomorstvu;

(b) jasno opredeljujejo obveznosti ladjarjev, pomorščakov in drugih oseb, tako da upoštevajo veljavne standarde ter usmeritve in programe za varnost in zdravje pri delu na ladji, pri čemer mora biti posebna pozornost namenjena varnosti in zdravju pomorščakov, mlajših od 18 let;

(c) opredeljujejo dolžnosti poveljnika ali osebe, ki jo določi poveljnik, ali obeh, da prevzameta odgovornost za izvajanje in izpolnjevanje politik in programov za varnost in zdravje pri delu na ladji, in

(d) opredeljujejo pooblastila pomorščakov, imenovanih ali izvoljenih, da se udeležijo sestankov ladijskega odbora za varnost kot predstavniki za varnost. Tak odbor se ustanovi na ladji, ki ima pet ali več pomorščakov.

3. Zakoni in drugi predpisi ter ukrepi iz tretjega odstavka pravila 4.3 se redno pregledujejo v posvetovanju s predstavniki organizacij ladjarjev in pomorščakov, po potrebi se spremenijo ob upoštevanju sprememb v tehnologiji in raziskav, da se zagotovijo ustrezne politike in nenehno izboljševanje programov varnosti in zdravja pri delu na ladji ter varno delovno okolje za pomorščake na ladji, ki pluje pod zastavo članice.

4. Šteje se, da so zahteve te konvencije izpolnjene, če so varnostne določbe v skladu z zahtevami veljavnih mednarodnih aktov o dopustni ravni nevarnosti delovnega mesta na ladji ter z zahtevami razvoja in izvajanja politik in programov za varnost in zdravje pri delu na ladji.

5. Pristojni organ zagotavlja:

(a) ustrezno poročanje o nezgodah pri delu, poškodbah in boleznih ob upoštevanju usmeritev, ki jih določa Mednarodna organizacija dela za poročanje o nezgodah pri delu in boleznih, ter njihovo evidentiranje;

(b) vodenje celovite statistike o takih nezgodah in boleznih, analizo in objavo statističnih podatkov ter po potrebi raziskovalno spremljanje splošnih gibanj in ugotovljenih nevarnosti in

(c) preiskovanje nezgod pri delu.

6. Pri poročanju o zadevah v zvezi z varnostjo in zdravjem pri delu in njihovem preiskovanju je treba zagotoviti varstvo osebnih podatkov pomorščakov ter upoštevati usmeritve, ki jih v zvezi s tem določa Mednarodna organizacija dela.

7. Pristojni organ sodeluje z organizacijami ladjarjev in pomorščakov ter sprejme ukrepe za opozarjanje pomorščakov na posebne nevarnosti na ladji, na primer s pošiljanjem uradnih obvestil, ki vsebujejo ustrezna navodila.

8. Pristojni organ zahteva, da se ladjarji, ki ugotavljajo tveganje v zvezi z zdravjem in varnostjo pri delu, sklicujejo na ustrezne statistične informacije, ki se pridobijo na podlagi podatkov, zbranih na njihovih ladjah, in na splošne statistične informacije, ki jih sporoča pristojni organ.

Guideline B4.3 – Health and safety protection and accident prevention

Guideline B4.3.1 – Provisions on occupational accidents, injuries and diseases

1. The provisions required under Standard A4.3 should take into account the ILO code of practice entitled *Accident prevention on board ship at sea and in port*, 1996, and subsequent versions and other related ILO and other international standards and guidelines and codes of practice regarding occupational safety and health protection, including any exposure levels that they may identify.

2. The competent authority should ensure that the national guidelines for the management of occupational safety and health address the following matters, in particular:

- (a) general and basic provisions;
- (b) structural features of the ship, including means of access and asbestos-related risks;
- (c) machinery;
- (d) the effects of the extremely low or high temperature of any surfaces with which seafarers may be in contact;
- (e) the effects of noise in the workplace and in shipboard accommodation;
- (f) the effects of vibration in the workplace and in shipboard accommodation;
- (g) the effects of ambient factors, other than those referred to in subparagraphs (e) and (f), in the workplace and in shipboard accommodation, including tobacco smoke;
- (h) special safety measures on and below deck;
- (i) loading and unloading equipment;
- (j) fire prevention and fire-fighting;
- (k) anchors, chains and lines;
- (l) dangerous cargo and ballast;
- (m) personal protective equipment for seafarers;
- (n) work in enclosed spaces;
- (o) physical and mental effects of fatigue;
- (p) the effects of drug and alcohol dependency;
- (q) HIV/AIDS protection and prevention; and
- (r) emergency and accident response.

3. The assessment of risks and reduction of exposure on the matters referred to in paragraph 2 of this Guideline should take account of the physical occupational health effects, including manual handling of loads, noise and vibration, the chemical and biological occupational health effects, the mental occupational health effects, the physical and mental health effects of fatigue, and occupational accidents. The necessary measures should take due account of the preventive principle according to which, among other things, combating risk at the source, adapting work to the individual, especially as regards the design of workplaces, and replacing the dangerous by the nondangerous or the less dangerous, have precedence over personal protective equipment for seafarers.

4. In addition, the competent authority should ensure that the implications for health and safety are taken into account, particularly in the following areas:

- (a) emergency and accident response;
- (b) the effects of drug and alcohol dependency; and
- (c) HIV/AIDS protection and prevention.

Guideline B4.3.2 – Exposure to noise

1. The competent authority, in conjunction with the competent international bodies and with representatives of shipowners' and seafarers' organizations concerned, should review on an ongoing basis the problem of noise on board ships with the objective of improving the protection of seafarers, in so far as practicable, from the adverse effects of exposure to noise.

Smernica B 4.3 – Zagotavljanje varnosti in zdravja ter preprečevanje nezgod

Smernica B 4.3.1 – Določbe o nezgodah pri delu, poškodbah in boleznih

1. Določbe po standardu A 4.3 morajo upoštevati kodeks prakse MOD (Mednarodne organizacije dela) z naslovom *Preprečevanje nezgod na ladji na morju in v pristanišču*, 1996, in nadaljnje različice ter druge ustrezne standarde MOD, mednarodne standarde, smernice in kodekse prakse v zvezi z zagotavljanjem varnosti in zdravja pri delu, vključno z vsemi izpostavljenosti, ki se lahko ugotovijo.

2. Pristojni organ države mora zagotoviti, da smernice za nadzor nad varnostjo in zdravjem pri delu vključujejo še zlasti:

- (a) splošne in temeljne določbe;
- (b) konstrukcijske značilnosti ladje, vključno z dostopom na ladjo in tveganji, povezani z izpostavljenostjo azbestu;
- (c) stroje;
- (d) vplive skrajno nizkih ali visokih temperatur vseh površin, s katerimi pomorščaki lahko pridejo v stik;
- (e) vplive hrupa na delovnem mestu in v bivalnih prostorih na ladji;
- (f) vplive vibracij na delovnem mestu in v bivalnih prostorih na ladji;
- (g) vplive okoljskih dejavnikov, ki niso omenjeni v točkah e in f, na delovnem mestu in v bivalnih prostorih na ladji, vključno s tobačnim dimom;
- (h) posebne varnostne ukrepe na krovu in pod njim;
- (i) opremo za natovarjanje in raztovarjanje;
- (j) preprečevanje in gašenje požarov;
- (k) sidra, verige in vrvi;
- (l) nevarni tovor in balast;
- (m) osebno varovalno opremo za pomorščake;
- (n) delo v zaprtih prostorih;
- (o) vplive telesne in duševne utrujenosti;
- (p) vplive odvisnosti od zdravil in alkohola;
- (q) zaščito pred HIV/aidsom in preprečevanje HIV/aidsa in
- (r) ukrepanje ob nevarnosti in nezgodi.

3. Pri ocenjevanju tveganj in zmanjševanju izpostavljenosti, navedenih v drugem odstavku te smernice, je treba upoštevati vplive dela na telesno zdravje, vključno z ročnim premeščanjem bremen, izpostavljenostjo hrupu in vibracijam, izpostavljenostjo kemijskim in biološkim dejavnikom, vplive dela na duševno zdravje, vplive utrujenosti na telesno in duševno zdravje ter nezgode pri delu. Pri potrebnih ukrepih je treba ustrezno upoštevati načelo preventivne, v skladu s katerim imajo med drugim obvladovanje tveganja pri njegovem viru, prilagajanje dela posamezniku, zlasti v zvezi z oblikovanjem delovnega mesta, in nadomeščanje nevarnega z nenevarnim ali manj nevarnim prednost pred osebno varovalno opremo za pomorščake.

4. Pristojni organ mora poleg tega zagotoviti, da se upoštevajo posledice za zdravje in varnost, zlasti pri:

- (a) ukrepanju ob nevarnosti in nezgodi;
- (b) vplivih odvisnosti od drog in alkohola in
- (c) zaščiti pred HIV/aidsom in preprečevanju HIV/aidsa.

Smernica B 4.3.2 – Izpostavljenost hrupu

1. Pristojni organ mora s pristojnimi mednarodnimi organi in predstavniki združenj ladjarjev in pomorščakov redno pregledovati, ali so se pojavile težave zaradi hrupa na ladji, zato da se čim bolj izboljša zaščita pomorščakov pred stranskimi učinki zaradi izpostavljenosti hrupu, če je izvedljivo.

2. The review referred to in paragraph 1 of this Guideline should take account of the adverse effects of exposure to excessive noise on the hearing, health and comfort of seafarers and the measures to be prescribed or recommended to reduce shipboard noise to protect seafarers. The measures to be considered should include the following:

(a) instruction of seafarers in the dangers to hearing and health of prolonged exposure to high noise levels and in the proper use of noise protection devices and equipment;

(b) provision of approved hearing protection equipment to seafarers where necessary; and

(c) assessment of risk and reduction of exposure levels to noise in all accommodation and recreational and catering facilities, as well as engine rooms and other machinery spaces.

Guideline B4.3.3 – Exposure to vibration

1. The competent authority, in conjunction with the competent international bodies and with representatives of shipowners' and seafarers' organizations concerned, and taking into account, as appropriate, relevant international standards, should review on an ongoing basis the problem of vibration on board ships with the objective of improving the protection of seafarers, in so far as practicable, from the adverse effects of vibration.

2. The review referred to in paragraph 1 of this Guideline should cover the effect of exposure to excessive vibration on the health and comfort of seafarers and the measures to be prescribed or recommended to reduce shipboard vibration to protect seafarers. The measures to be considered should include the following:

(a) instruction of seafarers in the dangers to their health of prolonged exposure to vibration;

(b) provision of approved personal protective equipment to seafarers where necessary; and

(c) assessment of risks and reduction of exposure to vibration in all accommodation and recreational and catering facilities by adopting measures in accordance with the guidance provided by the ILO code of practice entitled *Ambient factors in the workplace*, 2001, and any subsequent revisions, taking account of the difference between exposure in those areas and in the workplace.

Guideline B4.3.4 – Obligations of shipowners

1. Any obligation on the shipowner to provide protective equipment or other accident prevention safeguards should, in general, be accompanied by provisions requiring their use by seafarers and by a requirement for seafarers to comply with the relevant accident prevention and health protection measures.

2. Account should also be taken of Articles 7 and 11 of the Guarding of Machinery Convention, 1963 (No. 119), and the corresponding provisions of the Guarding of Machinery Recommendation, 1963 (No. 118), under which the obligation to ensure compliance with the requirement that machinery in use is properly guarded, and its use without appropriate guards prevented, rests on the employer, while there is an obligation on the worker not to use machinery without the guards being in position nor to make inoperative the guards provided.

Guideline B4.3.5 – Reporting and collection of statistics

1. All occupational accidents and occupational injuries and diseases should be reported so that they can be investigated and comprehensive statistics can be kept, analysed and published, taking account of protection of the personal data of the seafarers concerned. Reports should not be limited to fatalities or to accidents involving the ship.

2. Pri pregledih iz prvega odstavka te smernice je treba upoštevati stranske učinke izpostavljenosti čezmernemu hrupu, in sicer na sluh, zdravje in udobje pomorščakov, ter sprejeti ukrepe, ki se predpišejo ali priporočijo, da se zmanjša hrup na ladji zaradi zaščite pomorščakov. Ti ukrepi morajo vključevati:

(a) navodilo pomorščakom o nevarnosti za sluh in zdravje, če so dlje časa izpostavljeni močnemu hrupu, ter o pravilni uporabi naprav in opreme za zaščito pred hrupom;

(b) zagotovitev ustrezne varovalne opreme za varovanje sluha pomorščakov, če je potrebno, in

(c) ocenjevanje tveganja in zmanjševanje izpostavljenosti hrupu v vseh nastanitvenih prostorih, prostorih za prosti čas in prostorih za oskrbo s hrano ter strojnici in drugih prostorih s stroji.

Smernica B 4.3.3 – Izpostavljenost vibracijam

1. Pristojni organ mora s pristojnimi mednarodnimi organi in predstavniki združenj ladjarjev in pomorščakov ter ob upoštevanju ustreznih mednarodnih standardov, kadar je primerno, redno preverjati, ali so se pojavile težave zaradi vibracij na ladji, zato da se izboljša zaščita pomorščakov pred stranskimi učinki vibracij, če je izvedljivo.

2. Pri pregledih iz prvega odstavka te smernice je treba upoštevati učinke izpostavljenosti čezmernim vibracijam, in sicer njihov vpliv na zdravje in udobje pomorščakov, ter sprejeti ukrepe, ki se predpišejo ali priporočijo, da se zmanjšajo vibracije na ladji zaradi zaščite pomorščakov. Ti ukrepi morajo vključevati:

(a) navodilo pomorščakom o nevarnosti za zdravje, če so dlje časa izpostavljeni vibracijam;

(b) zagotovitev ustrezne osebne varovalne opreme, če je potrebno, in

(c) ocenjevanje tveganja in zmanjševanje izpostavljenosti vibracijam v vseh nastanitvenih prostorih, prostorih za prosti čas in prostorih za oskrbo s hrano s sprejetjem ukrepov v skladu z usmeritvijo, ki jo določa kodeks prakse MOD z naslovom *Okoljski dejavniki na delovnem mestu*, 2001, in v skladu z vsemi nadaljnimi spremembami, pri čemer se upoštevajo razlike med izpostavljenostjo v teh prostorih in na delovnem mestu.

Smernica B 4.3.4 – Obveznosti ladjarjev

1. Obveznost ladjarja je, da zagotovi varovalno opremo ali drugo opremo za preprečevanje nezgod z navodili pomorščakom, da jo morajo uporabljati in da jo uporabljajo v skladu z ustreznimi ukrepi za preprečevanje nezgod in varovanje zdravja.

2. Upoštevati je treba tudi 7. in 11. člen Konvencije o zavarovanju strojev, 1963 (št. 119), in ustrezne določbe Priporočila o zavarovanju strojev, 1963 (št. 118), ki določajo obveznost delodajalca, da izpolni zahteve o ustrezni varnosti strojev med delovanjem in prepreči njihovo uporabo brez ustreznih varoval; obveznost delavca je, da preveri, ali so vsa varovala nameščena, preden zažene stroj, ter da upošteva prepoved onemogočanja oziroma odstranitve varoval.

Smernica B 4.3.5 – Poročanje in zbiranje statističnih podatkov

1. Vse nezgode in poškodbe pri delu ter bolezni je treba prijaviti, da se lahko raziščejo ter da se vodi celotna statistika, ki zajema analizo in objavo informacij, pri tem pa je treba upoštevati pravico pomorščakov do varstva osebnih podatkov. Poročila ne smejo biti omejena na smrtne žrtve in nezgode, ki so se zgodile na ladji.

2. The statistics referred to in paragraph 1 of this Guideline should record the numbers, nature, causes and effects of occupational accidents and occupational injuries and diseases, with a clear indication, as applicable, of the department on board a ship, the type of accident and whether at sea or in port.

3. Each Member should have due regard to any international system or model for recording accidents to seafarers which may have been established by the International Labour Organization.

Guideline B4.3.6 – Investigations

1. The competent authority should undertake investigations into the causes and circumstances of all occupational accidents and occupational injuries and diseases resulting in loss of life or serious personal injury, and such other cases as may be specified in national laws or regulations.

2. Consideration should be given to including the following as subjects of investigation:

- (a) working environment, such as working surfaces, layout of machinery, means of access, lighting and methods of work;
- (b) incidence in different age groups of occupational accidents and occupational injuries and diseases;
- (c) special physiological or psychological problems created by the shipboard environment;
- (d) problems arising from physical stress on board a ship, in particular as a consequence of increased workload;
- (e) problems arising from and effects of technical developments and their influence on the composition of crews; and
- (f) problems arising from any human failures.

Guideline B4.3.7 – National protection and prevention programmes

1. In order to provide a sound basis for measures to promote occupational safety and health protection and prevention of accidents, injuries and diseases which are due to particular hazards of maritime employment, research should be undertaken into general trends and into such hazards as are revealed by statistics.

2. The implementation of protection and prevention programmes for the promotion of occupational safety and health should be so organized that the competent authority, shipowners and seafarers or their representatives and other appropriate bodies may play an active role, including through such means as information sessions, on-board guidelines on maximum exposure levels to potentially harmful ambient workplace factors and other hazards or outcomes of a systematic risk evaluation process. In particular, national or local joint occupational safety and health protection and accident prevention committees or ad hoc working parties and on-board committees, on which shipowners' and seafarers' organizations concerned are represented, should be established.

3. Where such activity takes place at company level, the representation of seafarers on any safety committee on board that shipowner's ships should be considered.

Guideline B4.3.8 – Content of protection and prevention programmes

1. Consideration should be given to including the following in the functions of the committees and other bodies referred to in Guideline B4.3.7, paragraph 2:

- (a) the preparation of national guidelines and policies for occupational safety and health management systems and for accident prevention provisions, rules and manuals;
- (b) the organization of occupational safety and health protection and accident prevention training and programmes;
- (c) the organization of publicity on occupational safety and health protection and accident prevention, including films, posters, notices and brochures; and

2. Statistika iz prvega odstavka te smernice vsebuje podatke o številu, naravi, vzrokih in učinkih nezgod in poškodb pri delu in boleznih z jasno navedbo, če je potrebno, prostora na ladji, vrste nezgode in tega, ali se je nezgoda zgodila na morju ali v pristanišču.

3. Vsaka članica mora upoštevati mednarodni sistem ali način poročanja o nezgodah pomorščakov, ki ga lahko vzpostavi Mednarodna organizacija za delo.

Smernica B 4.3.6 – Preiskave

1. Pristojni organ mora raziskati vzroke in okoliščine vseh nezgod in poškodb pri delu ter bolezni, ki so se končale z izgubo življenja ali hudo telesno poškodbo, ter drugih takih primerov, ki jih lahko navajajo notranji zakoni ali drugi predpisi.

2. Pri preiskavi naj se upoštevajo:

- (a) delovno okolje, kot so delovne površine, postavitve strojev, način dostopa, osvetljenost in način dela;
- (b) različne starostne skupine med ponesrečenci v nezgodah pri delu in med tistimi, ki so se poškodovali pri delu ali zboleli;
- (c) posebne fiziološke ali psihološke težave zaradi bivanja na ladji;
- (d) težave, ki nastanejo zaradi telesnega napora na ladji, zlasti kot posledica povečane delovne obremenitve;
- (e) težave, ki nastanejo zaradi učinka tehničnega razvoja in njegovega vpliva na sestavo posadke, in
- (f) težave, ki nastanejo zaradi človeške napake.

Smernica B 4.3.7 – Nacionalni varovalni in preventivni programi

1. Da se zagotovi ustrezna podlaga za ukrepe za izboljšanje varnosti in zdravja pri delu ter preprečevanje nezgod, poškodb in bolezni, ki nastanejo zaradi nevarnosti pri delu pomorščakov, je treba raziskati splošna gibanja in tveganja, ki jih pokaže statistika.

2. Izvajanje varovalnih in preventivnih programov za zagotavljanje varnosti in zdravja pri delu je treba organizirati tako, da imajo lahko pristojni organi, ladjarji in pomorščaki ali njihovi predstavniki in drugi ustrezni organi dejavno vlogo pri organiziranju informativnih sestankov, sprejemanju smernic o največji stopnji izpostavljenosti morebitnim škodljivim okoljskim dejavnikom na delovnem mestu na ladji in drugim tveganjem ali pri ugotovitvah sistematičnega ocenjevanja tveganja. Predvsem je treba ustanoviti državne ali lokalne skupne odbore za varnost pri delu in varovanje zdravja ter za preprečevanje nezgod ali ad hoc delovne skupine in odbore na ladji, v katerih so zastopane organizacije ladjarjev in pomorščakov.

3. Kadar taka dejavnost poteka na ravni podjetja, mora biti na ladjah tega ladjarja v vsaki skupini za varnost predstavnik pomorščakov.

Smernica B 4.3.8 – Vsebina varovalnih in preventivnih programov

1. Pri nalogah odborov in drugih organov iz drugega odstavka smernice B 4.3.7 je treba upoštevati:

- (a) pripravo nacionalnih smernic in usmeritev za upravljanje sistema varnosti in zdravja pri delu ter za določbe, pravila in priročnike o preprečevanju nezgod;
- (b) organizacijo usposabljanja in programov za zagotavljanje varnosti in zdravja pri delu ter preprečevanje nezgod;
- (c) obveščanje o zagotavljanju varnosti in zdravja pri delu ter preprečevanju nezgod, vključno s pomočjo filmov, plakatov, obvestil in brošur, in

(d) the distribution of literature and information on occupational safety and health protection and accident prevention so that it reaches seafarers on board ships.

2. Relevant provisions or recommendations adopted by the appropriate national authorities or organizations or international organizations should be taken into account by those preparing texts of occupational safety and health protection and accident prevention measures or recommended practices.

3. In formulating occupational safety and health protection and accident prevention programmes, each Member should have due regard to any code of practice concerning the safety and health of seafarers which may have been published by the International Labour Organization.

Guideline B4.3.9 – Instruction in occupational safety and health protection and the prevention of occupational accidents

1. The curriculum for the training referred to in Standard A4.3, paragraph 1(a), should be reviewed periodically and brought up to date in the light of development in types and sizes of ships and in their equipment, as well as changes in manning practices, nationality, language and the organization of work on board ships.

2. There should be continuous occupational safety and health protection and accident prevention publicity. Such publicity might take the following forms:

(a) educational audiovisual material, such as films, for use in vocational training centres for seafarers and where possible shown on board ships;

(b) display of posters on board ships;

(c) inclusion in periodicals read by seafarers of articles on the hazards of maritime employment and on occupational safety and health protection and accident prevention measures; and

(d) special campaigns using various publicity media to instruct seafarers, including campaigns on safe working practices.

3. The publicity referred to in paragraph 2 of this Guideline should take account of the different nationalities, languages and cultures of seafarers on board ships.

Guideline B4.3.10 – Safety and health education of young seafarers

1. Safety and health regulations should refer to any general provisions on medical examinations before and during employment and on the prevention of accidents and the protection of health in employment, which may be applicable to the work of seafarers. Such regulations should specify measures which will minimize occupational dangers to young seafarers in the course of their duties.

2. Except where a young seafarer is recognized as fully qualified in a pertinent skill by the competent authority, the regulations should specify restrictions on young seafarers undertaking, without appropriate supervision and instruction, certain types of work presenting special risk of accident or of detrimental effect on their health or physical development, or requiring a particular degree of maturity, experience or skill. In determining the types of work to be restricted by the regulations, the competent authority might consider in particular work involving:

(a) the lifting, moving or carrying of heavy loads or objects;

(b) entry into boilers, tanks and cofferdams;

(c) exposure to harmful noise and vibration levels;

(d) operating hoisting and other power machinery and tools, or acting as signallers to operators of such equipment;

(e) handling mooring or tow lines or anchoring equipment;

(f) rigging;

(g) work aloft or on deck in heavy weather;

(d) razpošiljanje literature in informacij o zagotavljanju varnosti in zdravja pri delu ter preprečevanju nezgod pomorščakov na ladjah.

2. Pripravljalci besedil o zagotavljanju varnosti in zdravja pri delu ter o preventivnih ukrepih za zaščito pred nezgodami morajo upoštevati ustrezne določbe ali priporočila, ki so jih sprejeli ustrezni državni organi ali organizacije ali mednarodne organizacije, ali priporočene prakse.

3. Vsaka članica mora pri oblikovanju programov za zagotavljanje varnosti in zdravja pri delu ter preventivnih programov za zaščito pred nezgodami upoštevati vse kodekse prakse o varnosti in zdravju pomorščakov, ki jih objavi Mednarodna organizacija za delo.

Smernica B 4.3.9 – Poučevanje o zagotavljanju varnosti in zdravja pri delu ter preprečevanju nezgod pri delu

1. Učni načrt za usposabljanje iz točke a prvega odstavka standarda A 4.3 je treba redno pregledovati in posodobljati glede na razvoj pri tipih in velikosti ladij in njihovi opremi ter glede na spremembe pri številu članov ladijske posadke, narodnost, jezik in organizacijo dela na ladjah.

2. Redno je treba obveščati o zagotavljanju varnosti in zdravja pri delu ter preprečevanju nezgod. Za obveščanje se lahko uporabijo:

(a) izobraževalno avdiovizualno gradivo, kot so filmi, ki jih predvajajo v središčih za poklicno usposabljanje pomorščakov in po možnosti na ladjah;

(b) plakati na ladjah;

(c) članki o nevarnostih pri zaposlitvi v pomorstvu in zagotavljanju varnosti in zdravja pri delu ter preventivnih ukrepih za preprečevanje nezgod pri delu v periodičnih publikacijah za pomorščake in

(d) posebne akcije za izobraževanje pomorščakov, pri katerih se uporabljajo različna sredstva obveščanja, s primeri dobre prakse za varno opravljanje dela.

3. Pri obveščanju iz drugega odstavka te smernice je treba upoštevati različne narodnosti, jezike in kulture pomorščakov na ladjah.

Smernica B 4.3.10 – Izobraževanje mladih pomorščakov za varnost in zdravje pri delu

1. Predpisi o varnosti in zdravju pri delu morajo biti usklajeni s splošnimi določbami o zdravstvenem pregledu pred in med zaposlitvijo ter o preprečevanju nezgod in varovanju zdravja med zaposlitvijo, primernimi za delo pomorščakov. Ti predpisi morajo določiti ukrepe, ki zmanjšujejo nevarnost za mlade pomorščake pri opravljanju njihovega dela.

2. Za vse mlade pomorščake razen tistih, ki jim je pristojni organ priznal usposobljenost za ustrezen strokovni poklic, je treba s predpisi določiti, da brez ustreznega nadzora in poučevanja ne smejo opravljati nekaterih del, ki pomenijo tveganje za nastanek nezgode ali škodljivo vplivajo na zdravje ali telesni razvoj ali pa zahtevajo določeno stopnjo zrelosti, izkušnje ali veščine. Pri določanju vrste del, katerih opravljanje je treba omejiti s predpisi, mora pristojni organ upoštevati predvsem dela, ki vključujejo:

(a) dvigovanje, premikanje ali prenašanje težkih bremen ali predmetov;

(b) vhod v kotel, rezervoar ali vmesni tank;

(c) izpostavljenost škodljivim ravnom hrupa in vibracij;

(d) upravljanje dvizhnih naprav in drugih pogonskih strojev ter orodja ali dajanje znakov upravljavcem te opreme;

(e) ravnanje z vrvmi za privezovanje ali vleko ladje in opremo za sidranje;

(f) ravnanje z jadri, vrvmi in škripčevjem;

(g) delo na višini ali na krovu v slabem vremenu;

- (h) nightwatch duties;
- (i) servicing of electrical equipment;
- (j) exposure to potentially harmful materials, or harmful physical agents such as dangerous or toxic substances and ionizing radiations;
- (k) the cleaning of catering machinery; and
- (l) the handling or taking charge of ships' boats.

3. Practical measures should be taken by the competent authority or through the appropriate machinery to bring to the attention of young seafarers information concerning the prevention of accidents and the protection of their health on board ships. Such measures could include adequate instruction in courses, official accident prevention publicity intended for young persons and professional instruction and supervision of young seafarers.

4. Education and training of young seafarers both ashore and on board ships should include guidance on the detrimental effects on their health and well-being of the abuse of alcohol and drugs and other potentially harmful substances, and the risk and concerns relating to HIV/AIDS and of other health risk related activities.

Guideline B4.3.11 – International cooperation

1. Members, with the assistance as appropriate of inter-governmental and other international organizations, should endeavour, in cooperation with each other, to achieve the greatest possible uniformity of action for the promotion of occupational safety and health protection and prevention of accidents.

2. In developing programmes for promoting occupational safety and health protection and prevention of accidents under Standard A4.3, each Member should have due regard to relevant codes of practice published by the International Labour Organization and the appropriate standards of international organizations.

3. Members should have regard to the need for international cooperation in the continuous promotion of activity related to occupational safety and health protection and prevention of occupational accidents. Such cooperation might take the form of:

- (a) bilateral or multilateral arrangements for uniformity in occupational safety and health protection and accident prevention standards and safeguards;
- (b) exchange of information on particular hazards affecting seafarers and on means of promoting occupational safety and health protection and preventing accidents;
- (c) assistance in testing of equipment and inspection according to the national regulations of the flag State;
- (d) collaboration in the preparation and dissemination of occupational safety and health protection and accident prevention provisions, rules or manuals;
- (e) collaboration in the production and use of training aids; and
- (f) joint facilities for, or mutual assistance in, the training of seafarers in occupational safety and health protection, accident prevention and safe working practices.

Regulation 4.4 – Access to shore-based welfare facilities

Purpose: To ensure that seafarers working on board a ship have access to shore-based facilities and services to secure their health and well-being

1. Each Member shall ensure that shore-based welfare facilities, where they exist, are easily accessible. The Member shall also promote the development of welfare facilities, such as those listed in the Code, in designated ports to provide seafarers on ships that are in its ports with access to adequate welfare facilities and services.

- (h) naloge nočne straže;
- (i) vzdrževanje električne opreme;
- (j) izpostavljenost morebitnim škodljivim snovem ali škodljivim fizikalnim dejavnikom, kot so nevarne ali strupene snovi in ionizirajoče sevanje;
- (k) čiščenje naprav za oskrbo s hrano in
- (l) ravnanje z ladijskimi čolni ali skrb zanje.

3. Pristojni organ morajo sprejeti praktične ukrepe ali ustrezno seznanjati mlade pomorščake z informacijami o preprečevanju nezgod ter zagotavljanju varnosti in zdravja na ladjah. Ti ukrepi lahko vključujejo ustrezno poučevanje na tečajih, uradno obveščanje o preprečevanju nezgod, namenjeno mladim pomorščakom, ter strokovno poučevanje mladih pomorščakov in nadzor nad njimi.

4. Izobraževanje in usposabljanje mladih pomorščakov na kopnem in ladji mora vključevati usmeritve glede škodljivih učinkov zlorabe alkohola, zdravlil in drugih morebitnih škodljivih snovi na njihovo zdravje in dobro počutje ter glede tveganja in težav v zvezi s HIV/aidsom in drugim zdravju nevarnim ravnanjem.

Smernica B 4.3.11 – Mednarodno sodelovanje

1. Kadar je primerno, si morajo članice s pomočjo medvladnih in drugih mednarodnih organizacij prizadevati za medsebojno sodelovanje, da čim bolj poenotijo dejavnosti za izboljšanje zagotavljanja varnosti in zdravja pri delu ter preprečevanje nezgod.

2. Vsaka članica mora uskladiti razvojne programe za izboljšanje zagotavljanja varnosti in zdravja pri delu ter preprečevanje nezgod iz standarda A 4.3 z ustreznim kodeksom prakse, ki ga je objavila Mednarodna organizacija za delo, in ustreznimi standardi mednarodnih organizacij.

3. Pri stalnem zagotavljanju varnosti in zdravja pri delu ter preprečevanju nezgod pri delu morajo članice med seboj sodelovati. To sodelovanje lahko vključuje:

- (a) dvostranske ali večstranske dogovore o poenotenju standardov in zagotavljanju varnosti in zdravja pri delu ter preprečevanju nezgod;
- (b) izmenjavo informacij o nekaterih nevarnostih, ki lahko prizadenejo pomorščake, in sredstvih za izboljševanje varnosti in zdravja pri delu ter preprečevanje nezgod;
- (c) pomoč pri preizkušanju opreme in nadzoru v skladu z notranjimi predpisi države zastave;
- (d) sodelovanje pri pripravi in razširjanju določb, pravil ali priročnikov za zagotavljanje varnosti in zdravja pri delu;
- (e) sodelovanje pri izdelavi in uporabi pripomočkov za usposabljanje in
- (f) skupna sredstva za usposabljanje ali medsebojno pomoč pri usposabljanju pomorščakov za varnost in zdravje pri delu, preprečevanje nezgod in prakso za varno opravljanje del.

Pravilo 4.4 – Dostop do zmogljivosti za dobro počutje na kopnem

Namen: pomorščakom, zaposlenim na ladji, zagotoviti dostop do zmogljivosti in storitev na kopnem, namenjenih varovanju njihovega zdravja in njihovem dobremu počutju

1. Vsaka članica zagotovi, da so zmogljivosti za dobro počutje na kopnem, tam kjer so, lahko dostopne. Članica tudi spodbuja razvoj zmogljivosti za dobro počutje, kot so navedene v kodeksu, v določenih pristaniščih, v katerih se ustavljajo ladje, ter skrbi, da se pomorščakom na ladjah zagotovi dostop do ustreznih zmogljivosti in storitev za dobro počutje.

2. The responsibilities of each Member with respect to shore-based facilities, such as welfare, cultural, recreational and information facilities and services, are set out in the Code.

Standard A4.4 – Access to shore-based welfare facilities

1. Each Member shall require, where welfare facilities exist on its territory, that they are available for the use of all seafarers, irrespective of nationality, race, colour, sex, religion, political opinion or social origin and irrespective of the flag State of the ship on which they are employed or engaged or work.

2. Each Member shall promote the development of welfare facilities in appropriate ports of the country and determine, after consultation with the shipowners' and seafarers' organizations concerned, which ports are to be regarded as appropriate.

3. Each Member shall encourage the establishment of welfare boards which shall regularly review welfare facilities and services to ensure that they are appropriate in the light of changes in the needs of seafarers resulting from technical, operational and other developments in the shipping industry.

Guideline B4.4 – Access to shore-based welfare facilities

Guideline B4.4.1 – Responsibilities of Members

1. Each Member should:

(a) take measures to ensure that adequate welfare facilities and services are provided for seafarers in designated ports of call and that adequate protection is provided to seafarers in the exercise of their profession; and

(b) take into account, in the implementation of these measures, the special needs of seafarers, especially when in foreign countries and when entering war zones, in respect of their safety, health and spare-time activities.

2. Arrangements for the supervision of welfare facilities and services should include participation by representative shipowners' and seafarers' organizations concerned.

3. Each Member should take measures designed to expedite the free circulation among ships, central supply agencies and welfare establishments of welfare materials such as films, books, newspapers and sports equipment for use by seafarers on board their ships and in welfare centres ashore.

4. Members should cooperate with one another in promoting the welfare of seafarers at sea and in port. Such cooperation should include the following:

(a) consultations among competent authorities aimed at the provision and improvement of seafarers' welfare facilities and services, both in port and on board ships;

(b) agreements on the pooling of resources and the joint provision of welfare facilities in major ports so as to avoid unnecessary duplication;

(c) organization of international sports competitions and encouragement of the participation of seafarers in sports activities; and

(d) organization of international seminars on the subject of welfare of seafarers at sea and in port.

Guideline B4.4.2 – Welfare facilities and services in ports

1. Each Member should provide or ensure the provision of such welfare facilities and services as may be required, in appropriate ports of the country.

2. Welfare facilities and services should be provided, in accordance with national conditions and practice, by one or more of the following:

(a) public authorities;

(b) shipowners' and seafarers' organizations concerned under collective agreements or other agreed arrangements; and

(c) voluntary organizations.

2. V kodeksu so določene odgovornosti vsake članice v zvezi z zmogljivostmi na kopnem, kot so družabne, kulturne, rekreacijske in informativne zmogljivosti in storitve.

Standard A 4.4 – Dostop do zmogljivosti za dobro počutje na kopnem

1. Vsaka članica zagotovi enako možnost uporabe zmogljivosti za dobro počutje, ki so na njenem ozemlju, vsem pomorščakom ne glede na narodnost, raso, barvo, spol, vero, politično prepričanje ali socialni izvor in ne glede na zastavo, pod katero pluje ladja, na kateri so pomorščaki zaposleni ali najeti ali delajo na njej.

2. Vsaka članica spodbuja razvoj zmogljivosti za dobro počutje v ustreznih pristaniščih v državi ter po posvetovanju z združenji ladjarjev in pomorščakov določi, katera pristanišča so za to najprimernejša.

3. Vsaka članica spodbuja ustanavljanje odborov za zmogljivosti za dobro počutje pomorščakov, ki redno preverjajo, ali so zmogljivosti in storitve za dobro počutje usklajene s spremembami potreb pomorščakov zaradi tehničnega razvoja, razvoja postopkov dela in drugega razvoja v pomorstvu.

Smernica B 4.4 – Dostop do zmogljivosti za dobro počutje na kopnem

Smernica B 4.4.1 – Odgovornost članic

1. Vsaka članica mora:

(a) sprejeti ukrepe za preverjanje, ali so v načrtovanih pristaniščih pristanka pomorščakom zagotovljene ustrezne zmogljivosti in storitve za dobro počutje ter ali so pomorščaki pri opravljanju svojega poklica ustrezno zaščiteni, in

(b) pri izvajanju sprejetih ukrepov upoštevati posebne potrebe pomorščakov, zlasti ko plujejo v tujih državah in na vojnih območjih, v zvezi z njihovo varnostjo, zdravjem in dejavnostmi v prostem času.

2. Predstavnike združenj ladjarjev in pomorščakov je treba vključiti v dogovore o nadzoru nad zmogljivostmi in storitvami za dobro počutje pomorščakov.

3. Vsaka članica mora sprejeti ukrepe za spodbujanje proste izmenjave gradiva in opreme, kot so filmi, knjige, časopisi in športna oprema, ki jih pomorščaki uporabljajo na ladjah in v družabnih središčih na kopnem, med ladjami, središči za oskrbo in družabnimi ustanovami za pomorščake.

4. Članice morajo sodelovati pri izboljšanju dobrega počutja pomorščakov na morju in v pristanišču. Sodelovanje mora vključevati:

(a) posvetovanje med pristojnimi organi o zagotavljanju in izboljševanju zmogljivosti in storitev za dobro počutje pomorščakov v pristaniščih in na ladjah;

(b) dogovarjanje o združevanju sredstev in skupno zagotavljanje zmogljivosti za dobro počutje v večjih pristaniščih, da bi se izognili nepotrebnemu podvajanju;

(c) organiziranje mednarodnih športnih tekmovanj in spodbujanje sodelovanja pomorščakov pri športnih dejavnostih in

(d) organiziranje mednarodnih seminarjev o storitvah za dobro počutje pomorščakov na morju in v pristanišču.

Smernica B 4.4.2 – Zmogljivosti in storitve za dobro počutje v pristaniščih

1. Vsaka članica mora določiti ali zagotoviti potrebne zmogljivosti in storitve za dobro počutje v ustreznih pristaniščih države.

2. Zmogljivosti in storitve za dobro počutje mora v skladu z notranjimi pravili in prakso zagotoviti en ali več navedenih organov:

(a) organ oblasti;

(b) združenja ladjarjev in pomorščakov na podlagi kolektivnih pogodb ali drugih dogovorov in

(c) prostovoljne organizacije.

3. Necessary welfare and recreational facilities should be established or developed in ports. These should include:

- (a) meeting and recreation rooms as required;
- (b) facilities for sports and outdoor facilities, including competitions;
- (c) educational facilities; and
- (d) where appropriate, facilities for religious observances and for personal counselling.

4. These facilities may be provided by making available to seafarers in accordance with their needs facilities designed for more general use.

5. Where large numbers of seafarers of different nationalities require facilities such as hotels, clubs and sports facilities in a particular port, the competent authorities or bodies of the countries of origin of the seafarers and of the flag States, as well as the international associations concerned, should consult and cooperate with the competent authorities and bodies of the country in which the port is situated and with one another, with a view to the pooling of resources and to avoiding unnecessary duplication.

6. Hotels or hostels suitable for seafarers should be available where there is need for them. They should provide facilities equal to those found in a good-class hotel, and should wherever possible be located in good surroundings away from the immediate vicinity of the docks. Such hotels or hostels should be properly supervised, the prices charged should be reasonable in amount and, where necessary and possible, provision should be made for accommodating seafarers' families.

7. These accommodation facilities should be open to all seafarers, irrespective of nationality, race, colour, sex, religion, political opinion or social origin and irrespective of the flag State of the ship on which they are employed or engaged or work. Without in any way infringing this principle, it may be necessary in certain ports to provide several types of facilities, comparable in standard but adapted to the customs and needs of different groups of seafarers.

8. Measures should be taken to ensure that, as necessary, technically competent persons are employed full time in the operation of seafarers' welfare facilities and services, in addition to any voluntary workers.

Guideline B4.4.3 – Welfare boards

1. Welfare boards should be established, at the port, regional and national levels, as appropriate. Their functions should include:

- (a) keeping under review the adequacy of existing welfare facilities and monitoring the need for the provision of additional facilities or the withdrawal of underutilized facilities; and
- (b) assisting and advising those responsible for providing welfare facilities and ensuring coordination between them.

2. Welfare boards should include among their members representatives of shipowners' and seafarers' organizations, the competent authorities and, where appropriate, voluntary organizations and social bodies.

3. As appropriate, consuls of maritime States and local representatives of foreign welfare organizations should, in accordance with national laws and regulations, be associated with the work of port, regional and national welfare boards.

Guideline B4.4.4 – Financing of welfare facilities

1. In accordance with national conditions and practice, financial support for port welfare facilities should be made available through one or more of the following:

- (a) grants from public funds;
- (b) levies or other special dues from shipping sources;
- (c) voluntary contributions from shipowners, seafarers, or their organizations; and
- (d) voluntary contributions from other sources.

3. V pristaniščih je treba zagotoviti ali razviti potrebne zmogljivosti za dobro počutje in prosti čas. Vključevati morajo:

- (a) ustrezne prostore za sestanke in prosti čas;
- (b) zmogljivosti za šport in druge zmogljivosti na prostem, vključno za tekmovanja;
- (c) zmogljivosti za izobraževanje in
- (d) po potrebi zmogljivosti za verske obrede in osebno svetovanje.

4. Te zmogljivosti se lahko načrtujejo za splošno uporabo, tako da jih pomorščaki uporabljajo za različne namene v skladu s svojimi potrebami.

5. Kadar veliko pomorščakov različne narodnosti potrebuje zmogljivosti, kot so hoteli, klubski ali športni prostori v nekem pristanišču, se morajo o tem posvetovati in dogovoriti pristojni organi držav, ki jim pomorščaki pripadajo, ali pristojni organi držav zastave in tudi ustrezna mednarodna združenja v sodelovanju s pristojnimi organi države, v kateri je pristanišče, ter poiskati možnost za združevanje sredstev, da se izognejo nepotrebne podvajanju.

6. Poskrbeti je treba za nastanitev pomorščakov v ustreznih hotelih ali drugih prenočiščih, če jih pomorščaki potrebujejo. Ti morajo zagotoviti storitve, ki so primerljive s storitvami v dobrih hotelih, in po možnosti v prijetnem okolju, stran od neposredne bližine pristanišča. Hotele in druge prenočitvene zmogljivosti je treba ustrezno nadzorovati, zaračunane cene morajo biti zmerne, po potrebi in glede na možnosti je treba zagotoviti nastanitev družinam pomorščakov.

7. Take nastanitvene zmogljivosti morajo biti enako dostopne vsem pomorščakom ne glede na narodnost, raso, barvo, spol, vero, politično prepričanje ali socialni izvor in ne glede na zastavo, pod katero pluje ladja, na kateri so pomorščaki zaposleni ali najeti ali delajo na njej. Ne da bi se kakor koli kršilo to načelo, je mogoče treba v nekaterih pristaniščih zagotoviti več različnih vrst zmogljivosti, ki so primerljive po kakovosti, vendar prilagojene navadam in potrebam različnih skupin pomorščakov.

8. Sprejeti je treba ukrepe, s katerimi se zagotovi, da je upravljanje zmogljivosti za dobro počutje in opravljanje storitev za pomorščake poleg prostovoljnih delavcev zaposleno ustrezno število strokovno usposobljenih oseb za polni delovni čas.

Smernica B 4.4.3 – Odbori za dobro počutje

1. Odbore za dobro počutje je treba ustanoviti v pristaniščih, na regionalni in državni ravni. Njihove naloge morajo vključevati:

- (a) stalno pregledovanje ustreznosti obstoječih zmogljivosti za dobro počutje in spremljanje potreb po dodatnih zmogljivostih ali zapiranje premalo izkoriščenih zmogljivosti in
- (b) pomoč in svetovanje tistim, ki so odgovorni za zagotavljanje zmogljivosti za dobro počutje, ter usklajevanje med njimi.

2. Odbori za dobro počutje morajo med svoje člane sprejeti predstavnike združenj ladjarjev in pomorščakov, pristojnih organov ter po potrebi predstavnike prostovoljnih organizacij in socialnih organov.

3. Pri delu pristaniških, regionalnih in državnih odborov za dobro počutje morajo sodelovati konzuli pomorskih držav in krajevni predstavniki tujih organizacij za dobro počutje v skladu z notranjimi zakoni in drugimi predpisi.

Smernica B 4.4.4 – Financiranje zmogljivosti za dobro počutje

1. V skladu z notranjimi pravili in prakso je treba finančno podporo za pristaniške zmogljivosti za dobro počutje omogočiti s pomočjo ene ali več od navedenih možnosti:

- (a) nepovratna javna sredstva;
- (b) dajatve ali druge posebne pristojbine iz ladijskih virov;
- (c) prostovoljni prispevki ladjarjev, pomorščakov ali njihovih združenj in
- (d) prostovoljni prispevki iz drugih virov.

2. Where welfare taxes, levies and special dues are imposed, they should be used only for the purposes for which they are raised.

Guideline B4.4.5 – Dissemination of information and facilitation measures

1. Information should be disseminated among seafarers concerning facilities open to the general public in ports of call, particularly transport, welfare, entertainment and educational facilities and places of worship, as well as facilities provided specifically for seafarers.

2. Adequate means of transport at moderate prices should be available at any reasonable time in order to enable seafarers to reach urban areas from convenient locations in the port.

3. All suitable measures should be taken by the competent authorities to make known to shipowners and to seafarers entering port any special laws and customs, the contravention of which may jeopardize their freedom.

4. Port areas and access roads should be provided by the competent authorities with adequate lighting and signposting and regular patrols for the protection of seafarers.

Guideline B4.4.6 – Seafarers in a foreign port

1. For the protection of seafarers in foreign ports, measures should be taken to facilitate:

(a) access to consuls of their State of nationality or State of residence; and

(b) effective cooperation between consuls and the local or national authorities.

2. Seafarers who are detained in a foreign port should be dealt with promptly under due process of law and with appropriate consular protection.

3. Whenever a seafarer is detained for any reason in the territory of a Member, the competent authority should, if the seafarer so requests, immediately inform the flag State and the State of nationality of the seafarer. The competent authority should promptly inform the seafarer of the right to make such a request. The State of nationality of the seafarer should promptly notify the seafarer's next of kin. The competent authority should allow consular officers of these States immediate access to the seafarer and regular visits thereafter so long as the seafarer is detained.

4. Each Member should take measures, whenever necessary, to ensure the safety of seafarers from aggression and other unlawful acts while ships are in their territorial waters and especially in approaches to ports.

5. Every effort should be made by those responsible in port and on board a ship to facilitate shore leave for seafarers as soon as possible after a ship's arrival in port.

Regulation 4.5 – Social security

Purpose: To ensure that measures are taken with a view to providing seafarers with access to social security protection

1. Each Member shall ensure that all seafarers and, to the extent provided for in its national law, their dependants have access to social security protection in accordance with the Code without prejudice however to any more favourable conditions referred to in paragraph 8 of article 19 of the Constitution.

2. Each Member undertakes to take steps, according to its national circumstances, individually and through international cooperation, to achieve progressively comprehensive social security protection for seafarers.

3. Each Member shall ensure that seafarers who are subject to its social security legislation, and, to the extent provided for in its national law, their dependants, are entitled to benefit from social security protection no less favourable than that enjoyed by shoreworkers.

2. Če se uvedejo davki, dajatve in posebne pristojbine za dobro počutje, jih je treba uporabljati samo za namene, za katere so uvedeni.

Smernica B 4.4.5 – Obveščanje in olajševalni ukrepi

1. Pomorščake je treba obveščati o zmogljivostih, ki so javno dostopne v pristaniščih, zlasti o prevoznih zmogljivostih in zmogljivostih za dobro počutje, zabavo, izobraževanje, verske obrede ter tudi o zmogljivostih, namenjenih posebej pomorščakom.

2. Ob vsaki primerni uri in po zmerni ceni morajo biti pomorščakom na razpolago ustrezna prevozna sredstva, da jim je omogočen prevoz na mestno območje s primernih krajev v pristanišču.

3. Pristojni organ mora sprejeti ustrezne ukrepe, s katerimi seznanijo ladjarje in pomorščake, ki so se ustavili v pristanišču, katerih posebnih zakonov in običajev ne smejo prekršiti, ker lahko s tem ogrozijo svojo svobodo.

4. Pristojni organ mora poskrbeti, da so območja pristanišča in dostopne poti ustrezno razsvetljene in so postavljeni znaki ter so zagotovljeni redni obhodi zaradi varnosti pomorščakov.

Smernica B 4.4.6 – Pomorščaki v tujem pristanišču

1. Za varovanje pomorščakov v tujih pristaniščih je treba sprejeti ukrepe, da se omogočita:

(a) dostop do konzulov države, katere državljanstvo imajo, ali države, v kateri imajo prebivališče, in

(b) učinkovitejše sodelovanje med konzuli in lokalnimi ali državnimi organi.

2. Pomorščake, ki so pridržani v tujih pristaniščih, je treba obravnavati hitro, po veljavnem pravnem postopku in z ustreznim konzularno zaščito.

3. Kadar je pomorščak zaradi katerega koli razloga pridržan na ozemlju članice, mora pristojni organ na zahtevo pomorščaka takoj obvestiti državo zastave in državo, katere državljanstvo ima pomorščak. Pristojni organ mora takoj obvestiti pomorščaka, da ima pravico do take zahteve. Država, katere državljanstvo ima pomorščak, mora takoj obvestiti najbližjega sorodnika pomorščaka. Pristojni organ mora dovoliti konzularnim uslužbencem teh držav takojšnji dostop do pomorščaka in nato redne obiske, dokler je pomorščak pridržan.

4. Vsaka članica mora po potrebi sprejeti ukrepe za zagotovitev varnost pomorščakov pred napadi in drugimi nezakonitimi dejanji, kadar je ladja v njenem teritorialnem morju in zlasti ko se približuje pristanišču.

5. Odgovorni v pristanišču in na ladji morajo storiti vse, da pomorščakom omogočijo, da lahko kar najhitreje zapustijo ladjo.

Pravilo 4.5 – Socialna varnost

Namen: sprejeti ukrepe, ki omogočajo pomorščakom zagotavljanje socialne varnosti

1. Vsaka članica zagotovi vsem pomorščakom in njihovim vzdrževanim osebam, če tako določa notranje pravo, dostop do socialne varnosti v skladu s kodeksom, vendar brez poseganja v pogoje iz osmega odstavka 19. člena ustave, ki so za pomorščaka ugodnejši.

2. Vsaka članica se zavezuje, da v skladu s svojimi notranjimi predpisi sama in na podlagi mednarodnega sodelovanja sprejme ukrepe za postopno celovito socialno varnost pomorščakov.

3. Vsaka članica zagotovi, da imajo pomorščaki, za katere velja njena zakonodaja o socialni varnosti, in če je to zagotovljeno z njenim notranjim pravom, njihove vzdrževane osebe pravico do socialne varnosti, ki ni manj ugodna od tiste, ki jo imajo delavci na kopnem.

Standard A4.5 – Social security

1. The branches to be considered with a view to achieving progressively comprehensive social security protection under Regulation 4.5 are: medical care, sickness benefit, unemployment benefit, old-age benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit and survivors' benefit, complementing the protection provided for under Regulations 4.1, on medical care, and 4.2, on shipowners' liability, and under other titles of this Convention.

2. At the time of ratification, the protection to be provided by each Member in accordance with Regulation 4.5, paragraph 1, shall include at least three of the nine branches listed in paragraph 1 of this Standard.

3. Each Member shall take steps according to its national circumstances to provide the complementary social security protection referred to in paragraph 1 of this Standard to all seafarers ordinarily resident in its territory. This responsibility could be satisfied, for example, through appropriate bilateral or multilateral agreements or contribution-based systems. The resulting protection shall be no less favourable than that enjoyed by shoreworkers resident in their territory.

4. Notwithstanding the attribution of responsibilities in paragraph 3 of this Standard, Members may determine, through bilateral and multilateral agreements and through provisions adopted in the framework of regional economic integration organizations, other rules concerning the social security legislation to which seafarers are subject.

5. Each Member's responsibilities with respect to seafarers on ships that fly its flag shall include those provided for by Regulations 4.1 and 4.2 and the related provisions of the Code, as well as those that are inherent in its general obligations under international law.

6. Each Member shall give consideration to the various ways in which comparable benefits will, in accordance with national law and practice, be provided to seafarers in the absence of adequate coverage in the branches referred to in paragraph 1 of this Standard.

7. The protection under Regulation 4.5, paragraph 1, may, as appropriate, be contained in laws or regulations, in private schemes or in collective bargaining agreements or in a combination of these.

8. To the extent consistent with their national law and practice, Members shall cooperate, through bilateral or multilateral agreements or other arrangements, to ensure the maintenance of social security rights, provided through contributory or non-contributory schemes, which have been acquired, or are in the course of acquisition, by all seafarers regardless of residence.

9. Each Member shall establish fair and effective procedures for the settlement of disputes.

10. Each Member shall at the time of ratification specify the branches for which protection is provided in accordance with paragraph 2 of this Standard. It shall subsequently notify the Director-General of the International Labour Office when it provides social security protection in respect of one or more other branches stated in paragraph 1 of this Standard. The Director-General shall maintain a register of this information and shall make it available to all interested parties.

11. The reports to the International Labour Office pursuant to article 22 of the Constitution, shall also include information regarding steps taken in accordance with Regulation 4.5, paragraph 2, to extend protection to other branches.

Guideline B4.5 – Social security

1. The protection to be provided at the time of ratification in accordance with Standard A4.5, paragraph 2, should at least include the branches of medical care, sickness benefit and employment injury benefit.

Standard A 4.5 – Socialna varnost

1. Področja za doseganje postopne celovite socialne varnosti po pravilu 4.5 so: zdravstvena oskrba, nadomestilo za čas bolezni, nadomestilo za primer brezposelnosti, dajatve za starost, nadomestila za poškodbe pri delu, družinske dajatve, dajatve za materinstvo, dajatve za invalidnost in dajatve za preživele osebe; te dajatve dopolnjujejo zaščito, ki je zagotovljena s praviloma 4.1 o zdravstveni oskrbi in 4.2 o odgovornosti ladjarjev ter z drugimi poglavji te konvencije.

2. Zaščita, ki jo ob ratifikaciji zagotovi vsaka članica v skladu s prvim odstavkom pravila 4.5, vključuje najmanj tri od devetih področij iz prvega odstavka tega standarda.

3. Vsaka članica glede na notranje razmere sprejme ukrepe za zagotavljanje dopolnilne socialne varnosti iz prvega odstavka tega standarda za vse pomorščake, ki običajno prebivajo na njenem ozemlju. Ta odgovornost se lahko izpolni na primer z ustreznimi dvostranskimi ali večstranskimi sporazumi ali prispevnimi sistemi. Zagotovljena varnost ne sme biti manj ugodna od tiste, ki jo imajo delavci na kopnem s prebivališčem na ozemlju članice.

4. Ne glede na odgovornost iz tretjega odstavka tega standarda lahko članica z dvostranskimi in večstranskimi sporazumi in določbami, sprejetimi v regionalnih gospodarskih organizacijah, določi druga pravila v zakonodaji o socialni varnosti za pomorščake.

5. Odgovornost vsake članice za pomorščake na ladjah, ki plujejo pod njeno zastavo, vključuje tudi odgovornosti iz pravil 4.1 in 4.2 ter ustreznih določb kodeksa ter tudi tiste, ki so del splošnih obveznosti članice po mednarodnem pravu.

6. Vsaka članica prouči različne načine, da v skladu z notranjim pravom in prakso zagotovi primerljive dajatve za pomorščake, če področja iz prvega odstavka tega standarda niso ustrezno zajeta.

7. Zaščita v skladu s prvim odstavkom pravila 4.5 se lahko, če je to primerno, vključi v zakone in druge predpise, zasebne sisteme ali kolektivne pogodbe ali je kombinacija teh.

8. Članice sodelujejo na podlagi dvostranskih ali večstranskih pogodb ali drugih dogovorov v obsegu, ki je skladen z njihovim notranjim pravom in prakso, da zagotovijo ohranitev pravic do socialne varnosti na podlagi prispevnih ali neprispavnih sistemov, ki so jih pomorščaki ne glede na prebivališče pridobili ali za katere poteka postopek za pridobitev.

9. Vsaka članica določi pravičen in učinkovit postopek za reševanje sporov.

10. Vsaka članica ob ratifikaciji določi področja, za katera zagotavlja zaščito v skladu z drugim odstavkom tega standarda. Vsakič, ko zagotovi socialno varnost za eno ali več drugih področij, navedenih v prvem odstavku tega standarda, o tem obvesti generalnega direktorja Mednarodnega urada za delo. Generalni direktor vodi seznam teh informacij in ga da na vpogled vsem zainteresiranim stranem.

11. Poročila Mednarodnemu uradu za delo v skladu z 22. členom ustave vključujejo tudi informacije o sprejetih ukrepih za razširitev zaščite na druga področja v skladu z drugim odstavkom pravila 4.5.

Smernica B 4.5 – Socialna varnost

1. Zagotovljena zaščita mora ob ratifikaciji v skladu z drugim odstavkom standarda A 4.5 vključevati najmanj zavarovalno področje zdravstvene oskrbe, nadomestilo za čas bolezni in nadomestila za poškodbe pri delu.

2. In the circumstances referred to in Standard A4.5, paragraph 6, comparable benefits may be provided through insurance, bilateral and multilateral agreements or other effective means, taking into consideration the provisions of relevant collective bargaining agreements. Where such measures are adopted, seafarers covered by such measures should be advised of the means by which the various branches of social security protection will be provided.

3. Where seafarers are subject to more than one national legislation covering social security, the Members concerned should cooperate in order to determine by mutual agreement which legislation is to apply, taking into account such factors as the type and level of protection under the respective legislations which is more favourable to the seafarer concerned as well as the seafarer's preference.

4. The procedures to be established under Standard A4.5, paragraph 9, should be designed to cover all disputes relevant to the claims of the seafarers concerned, irrespective of the manner in which the coverage is provided.

5. Each Member which has national seafarers, non-national seafarers or both serving on ships that fly its flag should provide the social security protection in the Convention as applicable, and should periodically review the branches of social security protection in Standard A4.5, paragraph 1, with a view to identifying any additional branches appropriate for the seafarers concerned.

6. The seafarers' employment agreement should identify the means by which the various branches of social security protection will be provided to the seafarer by the shipowner as well as any other relevant information at the disposal of the shipowner, such as statutory deductions from the seafarers' wages and shipowners' contributions which may be made in accordance with the requirements of identified authorized bodies pursuant to relevant national social security schemes.

7. The Member whose flag the ship flies should, in effectively exercising its jurisdiction over social matters, satisfy itself that the shipowners' responsibilities concerning social security protection are met, including making the required contributions to social security schemes.

TITLE 5. COMPLIANCE AND ENFORCEMENT

1. The Regulations in this Title specify each Member's responsibility to fully implement and enforce the principles and rights set out in the Articles of this Convention as well as the particular obligations provided for under its Titles 1, 2, 3 and 4.

2. Paragraphs 3 and 4 of Article VI, which permit the implementation of Part A of the Code through substantially equivalent provisions, do not apply to Part A of the Code in this Title.

3. In accordance with paragraph 2 of Article VI, each Member shall implement its responsibilities under the Regulations in the manner set out in the corresponding Standards of Part A of the Code, giving due consideration to the corresponding Guidelines in Part B of the Code.

4. The provisions of this Title shall be implemented bearing in mind that seafarers and shipowners, like all other persons, are equal before the law and are entitled to the equal protection of the law and shall not be subject to discrimination in their access to courts, tribunals or other dispute resolution mechanisms. The provisions of this Title do not determine legal jurisdiction or a legal venue.

Regulation 5.1 – Flag State responsibilities

Purpose: To ensure that each Member implements its responsibilities under this Convention with respect to ships that fly its flag

2. V okoliščinah iz šestega odstavka standarda A 4.5 se lahko na podlagi zavarovanja, dvostranskih in večstranskih pogodb ali z drugimi učinkovitimi načini ob upoštevanju določb kolektivnih pogodb zagotovijo primerljive dajatve. Če so taki ukrepi sprejeti, je treba pomorščake, zajete s temi ukrepi, seznaniti z načini, s katerimi so zagotovljena različna področja socialne varnosti.

3. Če za pomorščaka velja več kot ena notranja zakonodaja o socialni varnosti, se morajo članice dogovoriti, katera zakonodaja se uporabi, pri čemer je treba upoštevati dejavnike, kot so vrsta in raven varnosti po zakonodaji, ki je ugodnejša za pomorščaka, ter izbira pomorščaka.

4. Postopek, ki se določi v skladu z devetim odstavkom standarda A 4.5, mora zajeti vse spore o terjatvah pomorščakov ne glede na način zagotavljanja varstva.

5. Vsaka članica, ki ima na ladjah, ki plujejo pod njeno zastavo, zaposlene svoje pomorščake in pomorščake drugih narodnosti ali oboje, mora zagotoviti ustrezno socialno varnost na podlagi konvencije ter občasno pregledati področja socialne varnosti iz prvega odstavka standarda A 4.5, da ugotovi, ali je treba pomorščakom zagotoviti kakšno dodatno področje socialne varnosti.

6. V pogodbi o zaposlitvi pomorščakov mora biti navedeno, kako ladjar zagotavlja različna področja socialne varnosti, navedene pa morajo biti tudi vse druge informacije, ki so mu dostopne, kot so z zakonom določeni odbitki od plače pomorščakov in prispevki ladjarjev v skladu z zahtevami določenih pristojnih organov in na podlagi sistemov socialne varnosti v posameznih državah.

7. Članica, pod zastavo katere pluje ladja, se mora za učinkovito izvajanje pristojnosti za socialne zadeve prepričati, da so izpolnjene obveznosti ladjarjev glede socialne varnosti, vključno s plačilom zahtevanih prispevkov za sisteme socialne varnosti.

5. POGlavJE: IZPOLNJEVANJE IN UVELJAVLJANJE

1. Pravila v tem poglavju določajo odgovornost vsake članice, da v celoti izvaja in uveljavlja načela in pravice iz členov te konvencije ter tudi posebne obveznosti iz 1., 2., 3. in 4. poglavja te konvencije.

2. Tretji in četrti odstavek VI. člena, ki dovoljujeta izvajanje dela A kodeksa po dejansko enakovrednih določbah, se ne uporabljata za del A kodeksa v tem poglavju.

3. Vsaka članica je v skladu z drugim odstavkom VI. člena odgovorna za izpolnjevanje svojih obveznosti iz pravil, tako kot je določeno v ustreznih standardih v delu A kodeksa, pri čemer upošteva ustrezne smernice v delu B kodeksa.

4. Določbe tega poglavja se izvajajo ob upoštevanju, da so pomorščaki in ladjarji ter vse druge osebe enaki pred zakonom, imajo pravico do enakega pravnega varstva in ne smejo biti diskriminirani pri dostopu do sodišč, razsodišč ali drugih načinov za reševanje sporov. Določbe tega poglavja ne določajo sodne ali krajevne pristojnosti.

Pravilo 5.1 – Obveznosti države zastave

Namen: zagotoviti, da vsaka članica izpolnjuje svoje obveznosti, določene s to konvencijo, do ladij, ki plujejo pod njeno zastavo

Regulation 5.1.1 – General principles

1. Each Member is responsible for ensuring implementation of its obligations under this Convention on ships that fly its flag.

2. Each Member shall establish an effective system for the inspection and certification of maritime labour conditions, in accordance with Regulations 5.1.3 and 5.1.4 ensuring that the working and living conditions for seafarers on ships that fly its flag meet, and continue to meet, the standards in this Convention.

3. In establishing an effective system for the inspection and certification of maritime labour conditions, a Member may, where appropriate, authorize public institutions or other organizations (including those of another Member, if the latter agrees) which it recognizes as competent and independent to carry out inspections or to issue certificates or to do both. In all cases, the Member shall remain fully responsible for the inspection and certification of the working and living conditions of the seafarers concerned on ships that fly its flag.

4. A maritime labour certificate, complemented by a declaration of maritime labour compliance, shall constitute prima facie evidence that the ship has been duly inspected by the Member whose flag it flies and that the requirements of this Convention relating to working and living conditions of the seafarers have been met to the extent so certified.

5. Information about the system referred to in paragraph 2 of this Regulation, including the method used for assessing its effectiveness, shall be included in the Member's reports to the International Labour Office pursuant to article 22 of the Constitution.

Standard A5.1.1 – General principles

1. Each Member shall establish clear objectives and standards covering the administration of its inspection and certification systems, as well as adequate overall procedures for its assessment of the extent to which those objectives and standards are being attained.

2. Each Member shall require all ships that fly its flag to have a copy of this Convention available on board.

Guideline B5.1.1 – General principles

1. The competent authority should make appropriate arrangements to promote effective cooperation between public institutions and other organizations, referred to in Regulations 5.1.1 and 5.1.2, concerned with seafarers' shipboard working and living conditions.

2. In order to better ensure cooperation between inspectors and shipowners, seafarers and their respective organizations, and to maintain or improve seafarers' working and living conditions, the competent authority should consult the representatives of such organizations at regular intervals as to the best means of attaining these ends. The manner of such consultation should be determined by the competent authority after consulting with shipowners' and seafarers' organizations.

Regulation 5.1.2 – Authorization of recognized organizations

1. The public institutions or other organizations referred to in paragraph 3 of Regulation 5.1.1 ("recognized organizations") shall have been recognized by the competent authority as meeting the requirements in the Code regarding competency and independence. The inspection or certification functions which the recognized organizations may be authorized to carry out shall come within the scope of the activities that are expressly mentioned in the Code as being carried out by the competent authority or a recognized organization.

Pravilo 5.1.1 – Splošna načela

1. Vsaka članica mora na ladjah, ki plujejo pod njeno zastavo, zagotoviti izpolnjevanje svojih obveznosti, določenih s to konvencijo.

2. Vsaka članica vzpostavi učinkovit sistem nadzora in izdajanja spričeval o delovnih razmerah v pomorstvu v skladu s praviloma 5.1.3 in 5.1.4 ter ob tem zagotavlja, da so in bodo delovni pogoji in življenjske razmere pomorščakov na ladjah, ki plujejo pod njeno zastavo, v skladu s standardi, ki jih določa ta konvencija.

3. Članica lahko za vzpostavitev učinkovitega sistema nadzora in izdajanja spričeval o delovnih razmerah v pomorstvu pooblasti javne ustanove ali druge organizacije (vključno s tistimi iz druge članice, če se ta strinja) kot pristojne in neodvisne pri nadzoru ali izdaji spričeval ali obojem. Vsekakor članica ostaja v celoti odgovorna za nadzor in izdajanje spričeval o delovnih pogojih in življenjskih razmerah pomorščakov na ladjah, ki plujejo pod njeno zastavo.

4. Spričevalo o delu v pomorstvu, dopolnjeno z izjavo o skladnosti dela v pomorstvu, je dokaz prima facie, da je država zastave na ladji opravila ustrezen nadzor in da so bile izpolnjene zahteve te konvencije o delovnih pogojih in življenjskih razmerah pomorščakov, kot je navedeno v spričevalu.

5. Informacije o sistemu iz drugega odstavka tega pravila morajo biti skupaj z načinom ocenjevanja njegove učinkovitosti vključene v poročilo članice Mednarodnemu uradu za delo v skladu z 22. členom ustave.

Standard A 5.1.1 – Splošna načela

1. Vsaka članica določi jasne cilje in standarde za delovanje sistema nadzora in izdajanja spričeval kot tudi ustrezne celovite postopke, s katerimi se ocenjuje obseg doseženih ciljev in standardov.

2. Vsaka članica zahteva, da je na vsaki ladji, ki pluje pod njeno zastavo, izvod te konvencije.

Smernica B 5.1.1 – Splošna načela

1. Pristojni organ mora sprejeti ustrezne ukrepe za krepitev učinkovitega sodelovanja med javnimi ustanovami in drugimi organizacijami, navedenimi v pravilih 5.1.1 in 5.1.2 o delovnih pogojih in življenjskih razmerah pomorščakov na ladjah.

2. Zaradi boljšega sodelovanja med inšpektorji, ladjarji, pomorščaki in ustreznimi združenji ladjarjev in pomorščakov ter zaradi vzdrževanja ali izboljševanja delovnih pogojev in življenjskih razmer pomorščakov se mora pristojni organ posvetovati o najboljših načinih za doseganje teh ciljev s predstavniki takih organizacij v rednih časovnih presledkih. Način posvetovanja mora pristojni organ določiti po posvetovanju z združenji ladjarjev in pomorščakov.

Pravilo 5.1.2 – Pooblašanje priznanih organizacij

1. Pristojni organ prizna javne ustanove ali druge organizacije iz tretjega odstavka pravila 5.1.1 ("priznane organizacije") kot pristojne in neodvisne v skladu z zahtevami kodeksa. Nadzor ali izdajanje spričeval, za kar so lahko priznane organizacije pooblašene, je vključeno med dejavnosti, ki so izrecno navedene v kodeksu kot dejavnosti, ki jih lahko opravlja pristojni organ ali priznana organizacija.

2. The reports referred to in paragraph 5 of Regulation 5.1.1 shall contain information regarding any recognized organization, the extent of authorizations given and the arrangements made by the Member to ensure that the authorized activities are carried out completely and effectively.

Standard A5.1.2 – Authorization of recognized organizations

1. For the purpose of recognition in accordance with paragraph 1 of Regulation 5.1.2, the competent authority shall review the competency and independence of the organization concerned and determine whether the organization has demonstrated, to the extent necessary for carrying out the activities covered by the authorization conferred on it, that the organization:

(a) has the necessary expertise in the relevant aspects of this Convention and an appropriate knowledge of ship operations, including the minimum requirements for seafarers to work on a ship, conditions of employment, accommodation, recreational facilities, food and catering, accident prevention, health protection, medical care, welfare and social security protection;

(b) has the ability to maintain and update the expertise of its personnel;

(c) has the necessary knowledge of the requirements of this Convention as well as of applicable national laws and regulations and relevant international instruments; and

(d) is of the appropriate size, structure, experience and capability commensurate with the type and degree of authorization.

2. Any authorizations granted with respect to inspections shall, as a minimum, empower the recognized organization to require the rectification of deficiencies that it identifies in seafarers' working and living conditions and to carry out inspections in this regard at the request of a port State.

3. Each Member shall establish:

(a) a system to ensure the adequacy of work performed by recognized organizations, which includes information on all applicable national laws and regulations and relevant international instruments; and

(b) procedures for communication with and oversight of such organizations.

4. Each Member shall provide the International Labour Office with a current list of any recognized organizations authorized to act on its behalf and it shall keep this list up to date. The list shall specify the functions that the recognized organizations have been authorized to carry out. The Office shall make the list publicly available.

Guideline B5.1.2 – Authorization of recognized organizations

1. The organization seeking recognition should demonstrate the technical, administrative and managerial competence and capacity to ensure the provision of timely service of satisfactory quality.

2. In evaluating the capability of an organization, the competent authority should determine whether the organization:

(a) has adequate technical, managerial and support staff;

(b) has sufficient qualified professional staff to provide the required service, representing an adequate geographical coverage;

(c) has proven ability to provide a timely service of satisfactory quality; and

(d) is independent and accountable in its operations.

3. The competent authority should conclude a written agreement with any organization that it recognizes for purposes of an authorization. The agreement should include the following elements:

2. Poročila iz petega odstavka pravila 5.1.1 vključujejo informacije o vseh priznanih organizacijah, obseg pooblastil in ukrepe, ki jih je sprejela članica, da so pooblaščenosti opravljene celovito in učinkovito.

Standard A 5.1.2 – Pooblaščenje priznanih organizacij

1. Zaradi priznanja v skladu s prvim odstavkom pravila 5.1.2 pristojni organ preveri pristojnost in neodvisnost organizacije ter ugotovi, ali je usposobljena za opravljanje dejavnosti, ki jih vključuje pooblastilo, in ali:

(a) ima potrebno strokovno znanje z vidika te konvencije in zadostno znanje o obratovanju ladje, vključno z minimalnimi zahtevami za pomorščake za delo na ladji, pogoji zaposlitve, nastanitvenimi prostori, prostori za prosti čas, hrano in oskrbo, preprečevanjem nezgod, varovanjem zdravja, zdravstveno oskrbo, dobrim počutjem in zagotavljanjem socialne varnosti;

(b) ima možnosti za obnavljanje in izpopolnjevanje znanja svojega osebja;

(c) ima potrebno znanje o zahtevah te konvencije, o veljavni notranji zakonodaji in drugih predpisih ter ustreznih mednarodnih aktih in

(d) je primerno velika, sestavljena ter ima izkušnje in zmogljivosti, ki ustrezajo vrsti in stopnji pooblastila.

2. Vsako pooblastilo, dodeljeno v zvezi z nadzorom, pooblašča priznano organizacijo, da zahteva najmanj odpravo pomanjkljivosti, ki jih je ugotovila v zvezi z delovnimi pogoji in življenjskimi razmerami pomorščakov, ter da na zahtevo države pristanišča opravi nadzor v zvezi s tem.

3. Vsaka članica določi:

(a) sistem zagotavljanja skladnosti dela, ki ga opravljajo priznane organizacije, ki vključuje informacije o vseh veljavnih notranjih zakonih in drugih predpisih ter ustreznih mednarodnih aktih, in

(b) postopke za sodelovanje s takimi organizacijami in pregled njihovega delovanja.

4. Vsaka članica pošlje Mednarodnemu uradu za delo seznam vseh priznanih organizacij, pooblaščenih za delo v njenem imenu, in ga redno posodablja. Na seznamu so opredeljene naloge, za katere je priznana organizacija pooblaščen. Urad seznam javno objavi.

Smernica B 5.1.2 – Pooblaščenje priznanih organizacij

1. Organizacija, ki želi biti priznana, mora dokazati svojo strokovnost, administrativno in vodstveno usposobljenost ter sposobnost, da zagotovi pravočasno opravljanje storitev zadovoljive kakovosti.

2. Pristojni organ mora pri ocenjevanju sposobnosti ugotoviti, ali:

(a) ima organizacija ustrezno strokovno, vodstveno in pomožno osebje;

(b) ima organizacija dovolj strokovnega osebja za opravljanje zahtevanih storitev z ustrezno zemljepisno zastopanostjo;

(c) je organizacija dokazala, da je sposobna pravočasno opraviti storitve zadovoljive kakovosti, in

(d) je organizacija neodvisna in zanesljiva pri opravljanju svojega dela.

3. Pristojni organ mora skleniti pisni sporazum z vsako organizacijo, ki jo prizna. Sporazum mora vsebovati:

- (a) scope of application;
- (b) purpose;
- (c) general conditions;
- (d) the execution of functions under authorization;
- (e) legal basis of the functions under authorization;

(f) reporting to the competent authority;

(g) specification of the authorization from the competent authority to the recognized organization; and

(h) the competent authority's supervision of activities delegated to the recognized organization.

4. Each Member should require the recognized organizations to develop a system for qualification of staff employed by them as inspectors to ensure the timely updating of their knowledge and expertise.

5. Each Member should require the recognized organizations to maintain records of the services performed by them such that they are able to demonstrate achievement of the required standards in the items covered by the services.

6. In establishing the oversight procedures referred to in Standard A5.1.2, paragraph 3(b), each Member should take into account the *Guidelines for the Authorization of Organizations Acting on Behalf of the Administration*, adopted in the framework of the International Maritime Organization.

Regulation 5.1.3 – Maritime labour certificate and declaration of maritime labour compliance

1. This Regulation applies to ships of:

- (a) 500 gross tonnage or over, engaged in international voyages; and
- (b) 500 gross tonnage or over, flying the flag of a Member and operating from a port, or between ports, in another country.

For the purpose of this Regulation, "international voyage" means a voyage from a country to a port outside such a country.

2. This Regulation also applies to any ship that flies the flag of a Member and is not covered by paragraph 1 of this Regulation, at the request of the shipowner to the Member concerned.

3. Each Member shall require ships that fly its flag to carry and maintain a maritime labour certificate certifying that the working and living conditions of seafarers on the ship, including measures for ongoing compliance to be included in the declaration of maritime labour compliance referred to in paragraph 4 of this Regulation, have been inspected and meet the requirements of national laws or regulations or other measures implementing this Convention.

4. Each Member shall require ships that fly its flag to carry and maintain a declaration of maritime labour compliance stating the national requirements implementing this Convention for the working and living conditions for seafarers and setting out the measures adopted by the shipowner to ensure compliance with the requirements on the ship or ships concerned.

5. The maritime labour certificate and the declaration of maritime labour compliance shall conform to the model prescribed by the Code.

6. Where the competent authority of the Member or a recognized organization duly authorized for this purpose has ascertained through inspection that a ship that flies the Member's flag meets or continues to meet the standards of this Convention, it shall issue or renew a maritime labour certificate to that effect and maintain a publicly available record of that certificate.

7. Detailed requirements for the maritime labour certificate and the declaration of maritime labour compliance, including a list of the matters that must be inspected and approved, are set out in Part A of the Code.

- (a) področje uporabe;
- (b) namen;
- (c) splošne pogoje;
- (d) izvedbo nalog, za katere se dodeljuje pooblastilo;
- (e) pravno podlago nalog, za katere se dodeljuje pooblastilo;
- (f) poročanje pristojnemu organu;
- (g) opis pooblastila, ki ga pristojni organ dodeli priznani organizaciji, in
- (h) nadzor pristojnega organa nad izvajanjem dejavnosti, prenesenih na priznano organizacijo.

4. Vsaka članica mora od priznanih organizacij zahtevati, da izdelajo sistem usposabljanja inšpektorjev za zagotavljanje pravočasnega izpopolnjevanja njihovega znanja in strokovnosti.

5. Vsaka članica mora od priznanih organizacij zahtevati, da vodijo evidenco svojih opravljenih storitev tako, da lahko za vsako opravljeno delo dokažejo, da so izpolnjeni zahtevani standardi.

6. Pri vzpostavitvi postopkov pregleda delovanja iz točke b tretjega odstavka standarda A 5.1.2 mora vsaka članica upoštevati *Navodila za pooblaščenje organizacij, ki delujejo v imenu države*, ki jih je sprejela Mednarodna pomorska organizacija.

Pravilo 5.1.3 – Spričevalo o delu v pomorstvu in izjava o skladnosti dela v pomorstvu

1. To pravilo velja za ladje:

- (a) z bruto tonažo 500 ali več, ki opravljajo mednarodna potovanja, in
- (b) z bruto tonažo 500 ali več, ki plujejo pod zastavo članice in opravljajo prevoze iz pristanišča ali med pristanišči v drugi državi.

V tem pravilu "mednarodno potovanje" pomeni potovanje iz ene države v pristanišče druge države.

2. To pravilo velja tudi za vsako ladjo, ki pluje pod zastavo članice, čeprav ni zajeta v prvem odstavku tega pravila, če od članice to zahteva ladjar.

3. Vsaka članica zahteva, da je na ladjah, ki plujejo pod njeno zastavo, veljavno spričevalo o delu v pomorstvu, ki potrjuje, da so bili delovni pogoji in življenjske razmere pomorščakov na ladji, vključno z ukrepi za sprotno usklajevanje, vključeni v izjavo o skladnosti dela v pomorstvu iz četrtega odstavka tega pravila, da je bil opravljen nadzor in so izpolnjene zahteve notranjih zakonov ali drugih predpisov ali drugih ukrepov za izvajanje te konvencije.

4. Vsaka članica zahteva, da je na ladjah, ki plujejo pod njeno zastavo, veljavna izjava o skladnosti dela v pomorstvu, ki navaja notranje zahteve za izvajanje te konvencije v zvezi z delovnimi pogoji in življenjskimi razmerami pomorščakov ter ukrepe, ki jih je sprejel ladjar za zagotavljanje skladnosti z zahtevami na ladji.

5. Spričevalo o delu v pomorstvu in izjava o skladnosti dela v pomorstvu sta usklajena z obrazcem iz kodeksa.

6. Če pristojni organ članice ali priznana organizacija, pravilno pooblaščen za svoje delo, z nadzorom ugotovi, da je ladja, ki pluje pod zastavo članice, izpolnjevala in še vedno izpolnjuje standarde te konvencije, lahko izda ali obnovi izdano spričevalo o delu v pomorstvu in hrani javno dostopen izvod tega spričevala.

7. Podrobne zahteve za spričevalo o delu v pomorstvu in izjavo o skladnosti dela v pomorstvu, vključno s seznamom zadev, nad katerimi je treba opraviti nadzor in jih odobriti, so določene v delu A kodeksa.

Standard A5.1.3 – Maritime labour certificate and declaration of maritime labour compliance

1. The maritime labour certificate shall be issued to a ship by the competent authority, or by a recognized organization duly authorized for this purpose, for a period which shall not exceed five years. A list of matters that must be inspected and found to meet national laws and regulations or other measures implementing the requirements of this Convention regarding the working and living conditions of seafarers on ships before a maritime labour certificate can be issued is found in Appendix A5-I.

2. The validity of the maritime labour certificate shall be subject to an intermediate inspection by the competent authority, or by a recognized organization duly authorized for this purpose, to ensure continuing compliance with the national requirements implementing this Convention. If only one intermediate inspection is carried out and the period of validity of the certificate is five years, it shall take place between the second and third anniversary dates of the certificate. Anniversary date means the day and month of each year which will correspond to the date of expiry of the maritime labour certificate. The scope and depth of the intermediate inspection shall be equal to an inspection for renewal of the certificate. The certificate shall be endorsed following satisfactory intermediate inspection.

3. Notwithstanding paragraph 1 of this Standard, when the renewal inspection has been completed within three months before the expiry of the existing maritime labour certificate, the new maritime labour certificate shall be valid from the date of completion of the renewal inspection for a period not exceeding five years from the date of expiry of the existing certificate.

4. When the renewal inspection is completed more than three months before the expiry date of the existing maritime labour certificate, the new maritime labour certificate shall be valid for a period not exceeding five years starting from the date of completion of the renewal inspection.

5. A maritime labour certificate may be issued on an interim basis:

- (a) to new ships on delivery;
- (b) when a ship changes flag; or

(c) when a shipowner assumes responsibility for the operation of a ship which is new to that shipowner.

6. An interim maritime labour certificate may be issued for a period not exceeding six months by the competent authority or a recognized organization duly authorized for this purpose.

7. An interim maritime labour certificate may only be issued following verification that:

(a) the ship has been inspected, as far as reasonable and practicable, for the matters listed in Appendix A5-I, taking into account verification of items under subparagraphs (b), (c) and (d) of this paragraph;

(b) the shipowner has demonstrated to the competent authority or recognized organization that the ship has adequate procedures to comply with this Convention;

(c) the master is familiar with the requirements of this Convention and the responsibilities for implementation; and

(d) relevant information has been submitted to the competent authority or recognized organization to produce a declaration of maritime labour compliance.

8. A full inspection in accordance with paragraph 1 of this Standard shall be carried out prior to expiry of the interim certificate to enable issue of the full-term maritime labour certificate. No further interim certificate may be issued following the initial six months referred to in paragraph 6 of this Standard. A declaration of maritime labour compliance need not be issued for the period of validity of the interim certificate.

9. The maritime labour certificate, the interim maritime labour certificate and the declaration of maritime labour compliance shall be drawn up in the form corresponding to the models given in Appendix A5-II.

Standard A 5.1.3 – Spričevalo o delu v pomorstvu in izjava o skladnosti dela v pomorstvu

1. Spričevalo o delu v pomorstvu za posamezno ladjo izda pristojni organ ali priznana organizacija, pooblaščen za ta namen, za obdobje, ki ni daljše od petih let. Preden se lahko izda spričevalo o delu v pomorstvu, je treba opraviti nadzor nad zadevami iz priloge A 5-I ter ugotoviti skladnost z notranjimi zakoni in drugimi predpisi ali drugimi ukrepi za izpolnjevanje zahtev iz te konvencije v zvezi z delovnimi pogoji in življenjskimi razmerami pomorščakov na ladjah.

2. Veljavnost spričevala o delu v pomorstvu je odvisna od vmesnega pregleda, ki ga opravi pristojni organ ali priznana organizacija, pooblaščen za ta namen, da preveri usklajenost z notranjimi zahtevami po tej konvenciji. Če je opravljen samo en vmesni pregled in je rok veljavnosti spričevala pet let, se vmesni pregled opravi enkrat med drugim in tretjim letom veljavnosti spričevala. Eno leto poteče tisti dan in mesec vsakega leta, ki sta enaka dnevu in mesecu prenehanja veljavnosti spričevala o delu v pomorstvu. Obseg in natančnost vmesnega pregleda sta enaka kot pri pregledu za obnovitev spričevala. Po uspešno opravljenem vmesnem pregledu se spričevalo overi.

3. Ne glede na prvi odstavek tega standarda začne po končanem obnovitvenem pregledu, opravljenem tri mesece pred potekom veljavnosti spričevala o delu v pomorstvu, novo spričevalo o delu v pomorstvu veljati z dnem, ko se konča obnovitveni pregled, in velja največ pet let od dneva poteka veljavnosti spričevala.

4. Če se obnovitveni pregled konča prej kot tri mesece pred potekom veljavnosti spričevala o delu v pomorstvu, velja novo spričevalo o delu v pomorstvu največ pet let od dneva, ko je bil opravljen obnovitveni pregled.

5. Začasno spričevalo o delu v pomorstvu se lahko izda:

- (a) pri dostavi nove ladje;
- (b) če ladja spremeni zastavo ali
- (c) ko ladjar prevzame odgovornost za obratovanje ladje, ki je zanj nova.

6. Začasno spričevalo o delu v pomorstvu lahko izda pristojni organ ali priznana organizacija, pooblaščen za ta namen, za največ šest mesecev.

7. Začasno spričevalo o delu v pomorstvu se lahko izda samo, če je preverjeno, da:

(a) je ladja, če je to smiselno in izvedljivo, pregledana po področjih iz priloge A 5-I ob upoštevanju točk b, c in d tega odstavka;

(b) je ladjar dokazal pristojnemu organu ali priznani organizaciji, da so na ladji sprejeti ustrezni ukrepi, skladni s to konvencijo;

(c) je poveljnik seznanjen z zahtevami te konvencije in odgovornostjo za njeno izvajanje in

(d) so pristojnemu organu ali priznani organizaciji predložene ustrezne informacije za izdajo izjave o skladnosti dela v pomorstvu.

8. Celotni nadzor v skladu s prvim odstavkom tega standarda se opravi, preden poteče začasno spričevalo, da se tako omogoči izdaja rednega spričevala o delu v pomorstvu. Novo začasno spričevalo se ne sme izdati po poteku prvih šestih mesecev, kot je navedeno v šestem odstavku tega standarda. Izjave o skladnosti dela v pomorstvu ni treba izdati, dokler velja začasno spričevalo.

9. Spričevalo o delu v pomorstvu, začasno spričevalo o delu v pomorstvu in izjava o skladnosti dela v pomorstvu so v obliki, ki ustreza obrazcem iz priloge A5-II.

10. The declaration of maritime labour compliance shall be attached to the maritime labour certificate. It shall have two parts:

(a) Part I shall be drawn up by the competent authority which shall: (i) identify the list of matters to be inspected in accordance with paragraph 1 of this Standard; (ii) identify the national requirements embodying the relevant provisions of this Convention by providing a reference to the relevant national legal provisions as well as, to the extent necessary, concise information on the main content of the national requirements; (iii) refer to ship-type specific requirements under national legislation; (iv) record any substantially equivalent provisions adopted pursuant to paragraph 3 of Article VI; and (v) clearly indicate any exemption granted by the competent authority as provided in Title 3; and

(b) Part II shall be drawn up by the shipowner and shall identify the measures adopted to ensure ongoing compliance with the national requirements between inspections and the measures proposed to ensure that there is continuous improvement.

The competent authority or recognized organization duly authorized for this purpose shall certify Part II and shall issue the declaration of maritime labour compliance.

11. The results of all subsequent inspections or other verifications carried out with respect to the ship concerned and any significant deficiencies found during any such verification shall be recorded, together with the date when the deficiencies were found to have been remedied. This record, accompanied by an English-language translation where it is not in English, shall, in accordance with national laws or regulations, be inscribed upon or appended to the declaration of maritime labour compliance or made available in some other way to seafarers, flag State inspectors, authorized officers in port States and shipowners' and seafarers' representatives.

12. A current valid maritime labour certificate and declaration of maritime labour compliance, accompanied by an English-language translation where it is not in English, shall be carried on the ship and a copy shall be posted in a conspicuous place on board where it is available to the seafarers. A copy shall be made available in accordance with national laws and regulations, upon request, to seafarers, flag State inspectors, authorized officers in port States, and shipowners' and seafarers' representatives.

13. The requirement for an English-language translation in paragraphs 11 and 12 of this Standard does not apply in the case of a ship not engaged in an international voyage.

14. A certificate issued under paragraph 1 or 5 of this Standard shall cease to be valid in any of the following cases:

(a) if the relevant inspections are not completed within the periods specified under paragraph 2 of this Standard;

(b) if the certificate is not endorsed in accordance with paragraph 2 of this Standard;

(c) when a ship changes flag;

(d) when a shipowner ceases to assume the responsibility for the operation of a ship;

and

(e) when substantial changes have been made to the structure or equipment covered in Title 3.

15. In the case referred to in paragraph 14(c), (d) or (e) of this Standard, a new certificate shall only be issued when the competent authority or recognized organization issuing the new certificate is fully satisfied that the ship is in compliance with the requirements of this Standard.

16. A maritime labour certificate shall be withdrawn by the competent authority or the recognized organization duly authorized for this purpose by the flag State, if there is evidence that the ship concerned does not comply with the requirements of this Convention and any required corrective action has not been taken.

10. Izjava o skladnosti dela v pomorstvu je priloga spričevala o delu v pomorstvu. Izjava ima dva dela:

(a) I. del sestavi pristojni organ, ki: (i) opredeli seznam zadev, ki jih je treba pregledati v skladu s prvim odstavkom tega standarda; (ii) navede notranje zahteve, ki vključujejo zadevne določbe te konvencije, s sklicevanjem na ustrezne določbe notranje zakonodaje in po potrebi podrobne informacije o glavni vsebini notranjih zahtev; (iii) napoti na zahteve glede na poseben tip ladje v skladu z notranjo zakonodajo; (iv) navede vse pomembne dejansko enakovredne določbe, sprejete na podlagi tretjega odstavka VI. člena; (v) jasno navede vse izjeme, ki jih je odobril pristojni organ v skladu s 3. poglavjem, in

(b) II. del sestavi ladjar, ki navede sprejete ukrepe za sprotno usklajevanje z notranjimi zahtevami med pregledi in predlaga ukrepe za stalne izboljšave.

Pristojni organ ali priznana organizacija, pooblaščen za ta namen, potrdi II. del in izda izjavo o skladnosti dela v pomorstvu.

11. Ugotovitve vseh nadaljnjih pregledov ali preverjanj z zvezi z ladjo in vse večje pomanjkljivosti, ki se ugotovijo med preverjanjem, se vnesejo v evidenco skupaj z datumom ugotovitve, da se lahko odpravijo. Ta zapis se skupaj z angleškim prevodom, če evidenca ni v angleščini, v skladu z notranjimi zakoni in drugimi predpisi vnese v izjavo o skladnosti dela v pomorstvu, priloži izjavi ali se kako drugače da na vpogled pomorščakom, inšpektorjem države zastave, pooblaščenim uradnikom v državi pristanišča ter predstavnikom ladjarjev in pomorščakov.

12. Trenutno veljavno spričevalo o delu v pomorstvu in izjava o skladnosti dela v pomorstvu se skupaj z angleškim prevodom, če nista v angleščini, hranita na ladji, kopija pa je na vidnem mestu na ladji, da je dostopna pomorščakom. Kopija je v skladu z notranjimi zakoni in drugimi predpisi na zahtevo na razpolago pomorščakom, inšpektorjem države zastave, pooblaščenim uradnikom države pristanišča ter predstavnikom ladjarjev in pomorščakov.

13. Zahteva za prevod dokumenta v angleški jezik iz enajstega in dvanajstega odstavka tega standarda ne velja za ladje, ki ne opravljajo mednarodnih potovanj.

14. Spričevalo, izdano na podlagi prvega ali petega odstavka tega standarda, preneha veljati, če:

(a) se ustrezn pregled ne konča v roku, določenem na podlagi drugega odstavka tega standarda;

(b) ni overjeno v skladu z drugim odstavkom tega standarda;

(c) ladja spremeni zastavo;

(d) ladjar ni več odgovoren za obratovanje ladje in

(e) je bila bistveno spremenjena konstrukcija ali oprema iz 3. poglavja.

15. Po točki c, d ali e štirinajstega odstavka tega standarda se izda novo spričevalo samo, če se je pristojni organ ali priznana organizacija, ki izda novo spričevalo, popolnoma prepričala, da ladja izpolnjuje zahteve tega standarda.

16. Pristojni organ ali priznana organizacija z ustreznim pooblastilom, ki ga je za ta namen dobila od države zastave, odvzame spričevalo o delu v pomorstvu, če ima dokaze, da ladja ne izpolnjuje zahtev te konvencije in da ni bil sprejet zahtevani ukrep za odpravo pomanjkljivosti.

17. When considering whether a maritime labour certificate should be withdrawn in accordance with paragraph 16 of this Standard, the competent authority or the recognized organization shall take into account the seriousness or the frequency of the deficiencies.

Guideline B5.1.3 – Maritime labour certificate and declaration of maritime labour compliance

1. The statement of national requirements in Part I of the declaration of maritime labour compliance should include or be accompanied by references to the legislative provisions relating to seafarers' working and living conditions in each of the matters listed in Appendix A5-I. Where national legislation precisely follows the requirements stated in this Convention, a reference may be all that is necessary. Where a provision of the Convention is implemented through substantial equivalence as provided under Article VI, paragraph 3, this provision should be identified and a concise explanation should be provided. Where an exemption is granted by the competent authority as provided in Title 3, the particular provision or provisions concerned should be clearly indicated.

2. The measures referred to in Part II of the declaration of maritime labour compliance, drawn up by the shipowner, should, in particular, indicate the occasions on which ongoing compliance with particular national requirements will be verified, the persons responsible for verification, the records to be taken, as well as the procedures to be followed where non-compliance is noted. Part II may take a number of forms. It could make reference to other more comprehensive documentation covering policies and procedures relating to other aspects of the maritime sector, for example documents required by the *International Safety Management (ISM) Code* or the information required by Regulation 5 of the SOLAS Convention, Chapter XI-1 relating to the ship's Continuous Synopsis Record.

3. The measures to ensure ongoing compliance should include general international requirements for the shipowner and master to keep themselves informed of the latest advances in technology and scientific findings concerning workplace design, taking into account the inherent dangers of seafarers' work, and to inform the seafarers' representatives accordingly, thereby guaranteeing a better level of protection of the seafarers' working and living conditions on board.

4. The declaration of maritime labour compliance should, above all, be drafted in clear terms designed to help all persons concerned, such as flag State inspectors, authorized officers in port States and seafarers, to check that the requirements are being properly implemented.

5. An example of the kind of information that might be contained in a declaration of maritime labour compliance is given in Appendix B5-I.

6. When a ship changes flag as referred to in Standard A5.1.3, paragraph 14(c), and where both States concerned have ratified this Convention, the Member whose flag the ship was formerly entitled to fly should, as soon as possible, transmit to the competent authority of the other Member copies of the maritime labour certificate and the declaration of maritime labour compliance carried by the ship before the change of flag and, if applicable, copies of the relevant inspection reports if the competent authority so requests within three months after the change of flag has taken place.

Regulation 5.1.4 – Inspection and enforcement

1. Each Member shall verify, through an effective and coordinated system of regular inspections, monitoring and other control measures, that ships that fly its flag comply with the requirements of this Convention as implemented in national laws and regulations.

17. Pri presoji, ali naj se spričevalo o delu v pomorstvu odvzame na podlagi šestnajstega odstavka tega standarda, pristojni organ ali priznana organizacija upošteva resnost ali pogostost pomanjkljivosti.

Smernica B 5.1.3 – Spričevalo o delu v pomorstvu in izjava o skladnosti dela v pomorstvu

1. Navedba notranjih zahtev iz I. dela izjave o skladnosti dela v pomorstvu mora vključevati sklicevanje na določbe zakonodaje o delovnih pogojih in življenjskih razmerah pomorščakov za vsako področje s seznama iz priloge A 5-1. Če notranja zakonodaja natančno sledi zahtevam konvencije, je dovolj samo sklicevanje. Če se določba konvencije izvaja z dejansko enakovredno določbo v skladu s tretjim odstavkom VI. člena, se ta določba konvencije navede in se poda podrobno pojasnilo. Če pristojni organ odobri izjemo v skladu s 3. poglavjem, je treba to določbo ali določbe natančno navesti.

2. Ukrepi iz II. dela izjave o skladnosti dela v pomorstvu, ki jih določi ladjar, morajo predvsem vsebovati: okoliščine, v katerih se preverja sprotno usklajevanje s posameznimi notranjimi zahtevami, osebe, odgovorne za preverjanje, evidence ter tudi postopke, ki jih je treba uporabiti ob ugotovljeni neskladnosti. II. del ima lahko številne oblike. Sklicuje se lahko na druge obsežnejše dokumente o politiki in postopkih v zvezi z drugimi vidiki v pomorstvu, na primer dokumente, ki jih zahteva *Mednarodni kodeks o varnem upravljanju ladij (ISM)*, ali informacije, ki jih zahteva 5. pravilo Konvencije SOLAS, poglavje XI-1 o trajnem zapisu o ladji.

3. V ukrepe za zagotavljanje sprotne usklajevanja je treba vključiti splošne mednarodne zahteve za ladjarja in poveljnika, da sta redno obveščena o najnovjšem tehnološkem napredku in znanstvenih spoznanjih, ki se nanašajo na oblikovanje delovnega mesta, ob upoštevanju nevarnosti, povezanih z delom pomorščakov, in da o tem obveščata predstavnike pomorščakov ter s tem zagotavljata varnejše delovne pogoje in življenjske razmere pomorščakov na ladji.

4. V izjavi o skladnosti dela v pomorstvu morajo biti uporabljeni jasni izrazi, ki bodo v pomoč osebam, kot so: inšpektorji države zastave, pooblaščen uradniki v državi pristanišča in pomorščaki, ki preverjajo, ali so zahteve pravilno izpolnjene.

5. Podatki, ki jih lahko vsebuje izjava o skladnosti dela v pomorstvu, so v prilogi B5-I.

6. Če ladja spremeni zastavo, kot je določeno v točki c štirinajstega odstavka standarda A 5.1.3, in če sta državi ratificirali to konvencijo, članica, pod katere zastavo je bila ladja pred tem upravičena pluti, pristojnemu organu druge članice čim prej predloži kopiji spričevala o delu v pomorstvu in izjave o skladnosti dela v pomorstvu, ki ju je ladja imela pred zamenjavo zastave, in po potrebi kopije ustreznih poročil o nadzoru, če to zahteva pristojni organ v treh mesecih po spremembi zastave.

Pravilo 5.1.4 – Nadzor in uveljavljanje

1. Vsaka država z učinkovitim in usklajenim sistemom rednega nadzora, spremljanjem in drugimi nadzornimi ukrepi preverja, ali ladje, ki plujejo pod njeno zastavo, izpolnjujejo zahteve te konvencije, določene v notranjih zakonih in drugih predpisih.

2. Detailed requirements regarding the inspection and enforcement system referred to in paragraph 1 of this Regulation are set out in Part A of the Code.

Standard A5.1.4 – Inspection and enforcement

1. Each Member shall maintain a system of inspection of the conditions for seafarers on ships that fly its flag which shall include verification that the measures relating to working and living conditions as set out in the declaration of maritime labour compliance, where applicable, are being followed, and that the requirements of this Convention are met.

2. The competent authority shall appoint a sufficient number of qualified inspectors to fulfil its responsibilities under paragraph 1 of this Standard. Where recognized organizations have been authorized to carry out inspections, the Member shall require that personnel carrying out the inspection are qualified to undertake these duties and shall provide them with the necessary legal authority to perform their duties.

3. Adequate provision shall be made to ensure that the inspectors have the training, competence, terms of reference, powers, status and independence necessary or desirable so as to enable them to carry out the verification and ensure the compliance referred to in paragraph 1 of this Standard.

4. Inspections shall take place at the intervals required by Standard A5.1.3, where applicable. The interval shall in no case exceed three years.

5. If a Member receives a complaint which it does not consider manifestly unfounded or obtains evidence that a ship that flies its flag does not conform to the requirements of this Convention or that there are serious deficiencies in the implementation of the measures set out in the declaration of maritime labour compliance, the Member shall take the steps necessary to investigate the matter and ensure that action is taken to remedy any deficiencies found.

6. Adequate rules shall be provided and effectively enforced by each Member in order to guarantee that inspectors have the status and conditions of service to ensure that they are independent of changes of government and of improper external influences.

7. Inspectors, issued with clear guidelines as to the tasks to be performed and provided with proper credentials, shall be empowered:

(a) to board a ship that flies the Member's flag;
(b) to carry out any examination, test or inquiry which they may consider necessary in order to satisfy themselves that the standards are being strictly observed; and

(c) to require that any deficiency is remedied and, where they have grounds to believe that deficiencies constitute a serious breach of the requirements of this Convention (including seafarers' rights), or represent a significant danger to seafarers' safety, health or security, to prohibit a ship from leaving port until necessary actions are taken.

8. Any action taken pursuant to paragraph 7(c) of this Standard shall be subject to any right of appeal to a judicial or administrative authority.

9. Inspectors shall have the discretion to give advice instead of instituting or recommending proceedings when there is no clear breach of the requirements of this Convention that endangers the safety, health or security of the seafarers concerned and where there is no prior history of similar breaches.

10. Inspectors shall treat as confidential the source of any grievance or complaint alleging a danger or deficiency in relation to seafarers' working and living conditions or a violation of laws and regulations and give no intimation to the shipowner, the shipowner's representative or the operator of the ship that an inspection was made as a consequence of such a grievance or complaint.

2. Podrobne zahteve glede nadzora in sistema uveljavljanja ukrepov iz prvega odstavka tega pravila so navedene v delu A tega kodeksa.

Standard A 5.1.4 – Nadzor in uveljavljanje

1. Vsaka članica vzpostavi sistem nadzora nad delovnimi pogoji in življenjskimi razmerami pomorščakov na ladjah, ki plujejo pod njeno zastavo, ki vključuje preverjanje, ali se upoštevajo sprejeti ukrepi v zvezi z delovnimi pogoji in življenjskimi razmerami, določeni z izjavo o skladnosti dela v pomorstvu, kadar je mogoče, ter ali so izpolnjene zahteve te konvencije.

2. Pristojni organ imenuje zadostno število usposobljenih inšpektorjev za izpolnjevanje obveznosti iz prvega odstavka tega standarda. Članica lahko od priznane organizacije, ki ima ustrezno pooblastilo za nadzor, zahteva, da ga opravlja ustrezno usposobljeno osebje, ki mu članica izda predpisano pooblastilo.

3. Sprejmejo se ustrezne določbe, s katerimi se zagotovi, da so inšpektorji ustrezno strokovno usposobljeni, pristojni, izpolnjujejo predpisane pogoje, pooblašteni, imajo pravni položaj in so neodvisni pri preverjanju in zagotavljanju skladnosti iz prvega odstavka tega standarda.

4. Kadar je potrebno, se nadzor opravi v časovnih presledkih, ki jih določa standard A 5.1.3. Časovni presledki nikakor ne sme biti daljši od treh let.

5. Če članica prejme prijavo, ki je dejansko utemeljena ali so ji priloženi dokazi, da ladja, ki pluje pod njeno zastavo, ne izpolnjuje zahtev te konvencije ali da so resne pomanjkljivosti pri izvajanju ukrepov, ki jih določa izjava o skladnosti dela v pomorstvu, sprejme potrebne ukrepe, da razišče zadevo in zagotovi sprožitev postopka za odpravo ugotovljene pomanjkljivosti.

6. Vsaka članica uvede pravila, ki se lahko učinkovito izvajajo in s katerimi zagotavlja, da imajo inšpektorji pri svojem delu tak pravni položaj in razmere, da so neodvisni od sprememb v vladi in zunanjih vplivov.

7. Inšpektorji, ki imajo za svoje naloge jasna navodila in ustrezna dokazila, so pooblašteni, da:

(a) se vkrcajo na ladjo, ki pluje pod zastavo članice;
(b) opravijo pregled, preizkus ali preiskavo, da se prepričajo, da se standardi natančno upoštevajo, in

(c) zahtevajo odpravo vsake pomanjkljivosti, če utemeljeno sumijo, da so zaradi pomanjkljivosti resno kršene zahteve te konvencije (vključno s pravicami pomorščakov) ali da pomanjkljivosti resno ogrožajo varnost ali zdravje pomorščakov, ter tudi prepovejo ladji, da zapusti pristanišče, dokler se ne uvede ustrezen postopek za njihovo odpravo.

8. Zoper ukrep, sprejet skladno s točko c sedmega odstavka tega standarda, je mogoče vložiti pritožbo pri sodnem ali upravnem organu.

9. Kadar ni jasne kršitve zahtev te konvencije, ki bi ogrožala varnost ali zdravje pomorščakov, in v preteklosti ni bilo podobnih kršitev, lahko inšpektorji po lastni presoji svetujejo, namesto da uvedejo ali predlagajo postopek.

10. Inšpektorji morajo vsak ugovor ali prijavo o domnevni nevarnosti, pomanjkljivosti zaščite v zvezi z delovnimi pogoji in življenjskimi razmerami pomorščakov ter kršitvi zakonov in drugih predpisov obravnavati kot zaupno, zato ladjarju, predstavniku ladjarja ali upravljavcu ladje ne razkrijejo, da je bil nadzor opravljen zaradi ugovora ali prijave.

11. Inspectors shall not be entrusted with duties which might, because of their number or nature, interfere with effective inspection or prejudice in any way their authority or impartiality in their relations with shipowners, seafarers or other interested parties. In particular, inspectors shall:

(a) be prohibited from having any direct or indirect interest in any operation which they are called upon to inspect; and

(b) subject to appropriate sanctions or disciplinary measures, not reveal, even after leaving service, any commercial secrets or confidential working processes or information of a personal nature which may come to their knowledge in the course of their duties.

12. Inspectors shall submit a report of each inspection to the competent authority. One copy of the report in English or in the working language of the ship shall be furnished to the master of the ship and another copy shall be posted on the ship's notice board for the information of the seafarers and, upon request, sent to their representatives.

13. The competent authority of each Member shall maintain records of inspections of the conditions for seafarers on ships that fly its flag. It shall publish an annual report on inspection activities within a reasonable time, not exceeding six months, after the end of the year.

14. In the case of an investigation pursuant to a major incident, the report shall be submitted to the competent authority as soon as practicable, but not later than one month following the conclusion of the investigation.

15. When an inspection is conducted or when measures are taken under this Standard, all reasonable efforts shall be made to avoid a ship being unreasonably detained or delayed.

16. Compensation shall be payable in accordance with national laws and regulations for any loss or damage suffered as a result of the wrongful exercise of the inspectors' powers. The burden of proof in each case shall be on the complainant.

17. Adequate penalties and other corrective measures for breaches of the requirements of this Convention (including seafarers' rights) and for obstructing inspectors in the performance of their duties shall be provided for and effectively enforced by each Member.

Guideline B5.1.4 – Inspection and enforcement

1. The competent authority and any other service or authority wholly or partly concerned with the inspection of seafarers' working and living conditions should have the resources necessary to fulfil their functions. In particular:

(a) each Member should take the necessary measures so that duly qualified technical experts and specialists may be called upon, as needed, to assist in the work of inspectors; and

(b) inspectors should be provided with conveniently situated premises, equipment and means of transport adequate for the efficient performance of their duties.

2. The competent authority should develop a compliance and enforcement policy to ensure consistency and otherwise guide inspection and enforcement activities related to this Convention. Copies of this policy should be provided to all inspectors and relevant law-enforcement officials and should be made available to the public and shipowners and seafarers.

3. The competent authority should establish simple procedures to enable it to receive information in confidence concerning possible breaches of the requirements of this Convention (including seafarers' rights) presented by seafarers directly or by representatives of the seafarers, and permit inspectors to investigate such matters promptly, including:

(a) enabling masters, seafarers or representatives of the seafarers to request an inspection when they consider it necessary; and

11. Inšpektorjem se ne poverijo naloge, ki bi lahko zaradi števila ali narave ovirale učinkovit nadzor ali kakor koli vplivale na njihov ugled ali nepristranskost pri stikih z ladjarji, pomorščaki ali drugimi zainteresiranimi stranmi. Inšpektorji ne smejo:

(a) imeti kakršnega koli neposrednega ali posrednega interesa pri nadzoru, ki ga opravljajo, in

(b) niti po prenehanju opravljanja dela razkriti poslovnih skrivnosti, zaupnih delovnih postopkov ali osebnih podatkov, s katerimi se lahko seznanijo med opravljanjem svojih nalog, in se za njihovo razkritje kaznujejo ali so jim izrečeni disciplinski ukrepi.

12. Inšpektorji predložijo pristojnemu organu poročilo o vsakem nadzoru. En izvod poročila v angleščini ali delovnem jeziku ladje se izroči poveljniku ladje, drug izvod pa se objavi na oglasni deski na ladji, da se z njim seznanijo pomorščaki, ki lahko zahtevajo, da se izvod pošlje tudi njihovemu predstavniku.

13. Pristojni organ vsake članice vodi evidenco o opravljenih nadzorih nad delovnimi pogoji in življenjskimi razmerami pomorščakov na ladjah, ki plujejo pod njeno zastavo. Pristojni organ objavi letno poročilo o opravljenih nadzorih v razumnem roku, ki ne sme biti daljši od šestih mesecev po koncu leta.

14. Pri preiskovanju večjih nezgod se poročilo predloži pristojnemu organu čim prej, največ en mesec po končani preiskavi.

15. Pri opravljanju nadzora ali izvajanju ukrepov po tem standardu si je treba čim bolj prizadevati, da se prepreči neupravičeno zadrževanje ali zamujanje ladje.

16. V skladu z notranjimi zakoni in drugimi predpisi se plača odškodnina za vsako izgubo ali škodo, ki nastane zaradi nezakonitega izvajanja pooblastil inšpektorjev. Dokazno breme je vedno na prijavitelju.

17. Vsaka članica zagotovi ustrezne kazni in druge popravljalne ukrepe zaradi kršitev zahtev te konvencije (vključno s pravicami pomorščakov) in oviranja inšpektorjev pri izpolnjevanju njihovih nalog.

Smernica B 5.1.4 – Nadzor in uveljavljanje

1. Pristojni organ in vsaka druga služba ali organ, ki se v celoti ali delno ukvarjajo z nadzorom nad delovnimi pogoji in življenjskimi razmerami pomorščakov, morajo imeti potrebna sredstva za izpolnjevanje svojih nalog. Zato:

(a) mora vsaka članica sprejeti potrebne ukrepe, da zagotovi ustrezno usposobljene tehnične strokovnjake in izvedence, ki jih lahko po potrebi pokliče, da pri delu pomagajo inšpektorjem, in

(b) je treba inšpektorjem zagotoviti ustrezne prostore, opremo in prevozna sredstva, primerna za učinkovito opravljanje njihovih nalog.

2. Pristojni organ mora razvijati usmeritve za izpolnjevanje in uveljavljanje, da zagotovi doslednost oziroma opravlja nadzor in dejavnosti po tej konvenciji. S temi usmeritvami je treba seznaniti vse inšpektorje in pristojne uslužbenke za odkrivanje in pregon; dostopne morajo biti tudi javnosti, ladjarjem in pomorščakom.

3. Pristojni organ mora uvesti enostavne postopke, ki mu omogočajo, da na zaupen način pridobi informacije o domnevem kršenju zahtev te konvencije (vključno s pravicami pomorščakov), ki jih lahko predložijo pomorščaki neposredno ali po svojih predstavnikih, in inšpektorjem omogočajo, da se zadeve takoj raziščejo, vključno z:

(a) možnostjo, da poveljniki, pomorščaki ali predstavniki pomorščakov zahtevajo nadzor, če menijo, da je potrebno, in

(b) supplying technical information and advice to shipowners and seafarers and organizations concerned as to the most effective means of complying with the requirements of this Convention and of bringing about a continual improvement in seafarers' on-board conditions.

4. Inspectors should be fully trained and sufficient in numbers to secure the efficient discharge of their duties with due regard to:

(a) the importance of the duties which the inspectors have to perform, in particular the number, nature and size of ships subject to inspection and the number and complexity of the legal provisions to be enforced;

(b) the resources placed at the disposal of the inspectors; and

(c) the practical conditions under which inspections must be carried out in order to be effective.

5. Subject to any conditions for recruitment to the public service which may be prescribed by national laws and regulations, inspectors should have qualifications and adequate training to perform their duties and where possible should have a maritime education or experience as a seafarer. They should have adequate knowledge of seafarers' working and living conditions and of the English language.

6. Measures should be taken to provide inspectors with appropriate further training during their employment.

7. All inspectors should have a clear understanding of the circumstances in which an inspection should be carried out, the scope of the inspection to be carried out in the various circumstances referred to and the general method of inspection.

8. Inspectors provided with proper credentials under the national law should at a minimum be empowered:

(a) to board ships freely and without previous notice; however, when commencing the ship inspection, inspectors should provide notification of their presence to the master or person in charge and, where appropriate, to the seafarers or their representatives;

(b) to question the master, seafarer or any other person, including the shipowner or the shipowner's representative, on any matter concerning the application of the requirements under laws and regulations, in the presence of any witness that the person may have requested;

(c) to require the production of any books, log books, registers, certificates or other documents or information directly related to matters subject to inspection, in order to verify compliance with the national laws and regulations implementing this Convention;

(d) to enforce the posting of notices required under the national laws and regulations implementing this Convention;

(e) to take or remove, for the purpose of analysis, samples of products, cargo, drinking water, provisions, materials and substances used or handled;

(f) following an inspection, to bring immediately to the attention of the shipowner, the operator of the ship or the master, deficiencies which may affect the health and safety of those on board ship;

(g) to alert the competent authority and, if applicable, the recognized organization to any deficiency or abuse not specifically covered by existing laws or regulations and submit proposals to them for the improvement of the laws or regulations; and

(h) to notify the competent authority of any occupational injuries or diseases affecting seafarers in such cases and in such manner as may be prescribed by laws and regulations.

9. When a sample referred to in paragraph 8(e) of this Guideline is being taken or removed, the shipowner or the shipowner's representative, and where appropriate a seafarer, should be notified or should be present at the time the sample is taken or removed. The quantity of such a sample should be properly recorded by the inspector.

(b) zagotavljanjem tehničnih informacij in nasvetov ladjarjem, pomorščakom in organizacijam o najučinkovitejših sredstvih za usklajevanje z zahtevami te konvencije ter z nenehnim izboljševanjem razmer za pomorščake na ladjah.

4. Inšpektorji morajo biti strokovno usposobljeni in jih mora biti dovolj, da se lahko zagotovi učinkovito opravljanje nalog ob upoštevanju:

(a) pomembnosti nalog, ki jih opravljajo inšpektorji, zlasti glede števila, tipa in velikosti ladje, za katere se zahteva nadzor, ter številčnosti in zahtevnosti pravnih predpisov, ki jih je treba izvajati;

(b) sredstev, ki so inšpektorjem dana na razpolago, in

(c) vseh možnosti za učinkovit nadzor.

5. Ob upoštevanju vseh zahtev pri zaposlovanju v javni službi, ki jih lahko določijo notranji zakoni in drugi predpisi, morajo biti inšpektorji usposobljeni in imeti ustrezno znanje za opravljanje nalog ter po možnosti pomorsko izobrazbo ali izkušnje kot pomorščaki. Poznati morajo delovne pogoje in življenjske razmere pomorščakov ter znati angleški jezik.

6. Sprejeti je treba ukrepe za zagotavljanje rednega in ustreznega izpopolnjevanja inšpektorjev med njihovo zaposlitvijo.

7. Vsi inšpektorji morajo dobro poznati okoliščine, v katerih se opravlja nadzor, kaj vse zajema v različnih okoliščinah in splošne metode nadzora.

8. Inšpektorji, ki imajo ustrezna pooblastila v skladu z notranjim pravom, morajo biti pooblašteni vsaj za:

(a) neovirano vkrcanje na ladjo brez predhodnega obvestila; sicer morajo inšpektorji pred začetkom nadzora o svoji navzočnosti obvestiti poveljnika ladje ali pristojno osebo in po možnosti pomorščake ali njihove predstavnike;

(b) postavljanje vprašanj poveljniku, pomorščaku ali kateri koli drugi osebi ter tudi ladjarju ali predstavniku ladjarja o vseh zadevah, ki se nanašajo na izpolnjevanje zahtev, določenih v zakonih in drugih predpisih, v navzočnosti priče, ki jo lahko zahteva oseba, ki se ji postavljajo vprašanja;

(c) zahtevanje predložitve vseh knjig, ladijskih dnevnikov, evidenc, spričeval ali drugih dokumentov ali informacij, neposredno povezanih z zadevo, ki se nadzira, da se preveri skladnost z notranjimi zakoni in drugimi predpisi, s katerimi se izvaja ta konvencija;

(d) zahtevanje objave obvestil v skladu z notranjimi zakoni in drugimi predpisi, s katerimi se izvaja ta konvencija;

(e) odvzem vzorcev za analizo, kot so vzorci izdelkov, tovora, pitne vode, hrane, materiala in snovi, ki se uporabljajo ali se z njimi prihaja v stik;

(f) takojšnje seznanitev ladjarja, upravljavca ladje ali poveljnika, če se med nadzorom ugotovijo pomanjkljivosti, ki lahko vplivajo na zdravje in varnost tistih, ki so na ladji;

(g) opozarjanje pristojnega organa in po potrebi priznane organizacije na pomanjkljivosti ali zlorabe, ki niso izrecno zajete v veljavnih zakonih ali drugih predpisih, ter dajanje predlogov za izboljševanje zakonov ali drugih predpisov in

(h) obveščanje pristojnega organa o vseh poškodbah pri delu ali boleznih med pomorščaki, in sicer v takih primerih in tako, kot je določeno z zakoni in drugimi predpisi.

9. Ladjar ali predstavnik ladjarja in po potrebi pomorščak morata biti obveščena o odvzemu vzorca iz točke e osmega odstavka te smernice ali navzoča pri njegovem odvzemu. Inšpektor mora točno zapisati količino vzorca.

10. The annual report published by the competent authority of each Member, in respect of ships that fly its flag, should contain:

- (a) a list of laws and regulations in force relevant to seafarers' working and living conditions and any amendments which have come into effect during the year;
- (b) details of the organization of the system of inspection;
- (c) statistics of ships or other premises subject to inspection and of ships and other premises actually inspected;
- (d) statistics on all seafarers subject to its national laws and regulations;
- (e) statistics and information on violations of legislation, penalties imposed and cases of detention of ships; and
- (f) statistics on reported occupational injuries and diseases affecting seafarers.

Regulation 5.1.5 – On-board complaint procedures

1. Each Member shall require that ships that fly its flag have on-board procedures for the fair, effective and expeditious handling of seafarer complaints alleging breaches of the requirements of this Convention (including seafarers' rights).
2. Each Member shall prohibit and penalize any kind of victimization of a seafarer for filing a complaint.
3. The provisions in this Regulation and related sections of the Code are without prejudice to a seafarer's right to seek redress through whatever legal means the seafarer considers appropriate.

Standard A5.1.5 – On-board complaint procedures

1. Without prejudice to any wider scope that may be given in national laws or regulations or collective agreements, the on-board procedures may be used by seafarers to lodge complaints relating to any matter that is alleged to constitute a breach of the requirements of this Convention (including seafarers' rights).
2. Each Member shall ensure that, in its laws or regulations, appropriate on board complaint procedures are in place to meet the requirements of Regulation 5.1.5. Such procedures shall seek to resolve complaints at the lowest level possible. However, in all cases, seafarers shall have a right to complain directly to the master and, where they consider it necessary, to appropriate external authorities.
3. The on-board complaint procedures shall include the right of the seafarer to be accompanied or represented during the complaints procedure, as well as safeguards against the possibility of victimization of seafarers for filing complaints. The term "victimization" covers any adverse action taken by any person with respect to a seafarer for lodging a complaint which is not manifestly vexatious or maliciously made.
4. In addition to a copy of their seafarers' employment agreement, all seafarers shall be provided with a copy of the on-board complaint procedures applicable on the ship. This shall include contact information for the competent authority in the flag State and, where different, in the seafarers' country of residence, and the name of a person or persons on board the ship who can, on a confidential basis, provide seafarers with impartial advice on their complaint and otherwise assist them in following the complaint procedures available to them on board the ship.

Guideline B5.1.5 – On-board complaint procedures

1. Subject to any relevant provisions of an applicable collective agreement, the competent authority should, in close consultation with shipowners' and seafarers' organizations, develop a model for fair, expeditious and well-documented on-board complaint-handling procedures for all ships that fly the Member's flag. In developing these procedures the following matters should be considered:

10. Letno poročilo, ki ga objavi pristojni organ vsake članice o ladjah, ki plujejo pod njeno zastavo, mora vsebovati:

- (a) seznam veljavnih zakonov in drugih predpisov, ki se nanašajo na delovne pogoje in življenjske razmere pomorščakov, ter vse spremembe, ki so začele veljati med letom;
- (b) podrobnosti ureditve sistema nadzora;
- (c) statistične podatke o ladjah ali drugih prostorih, ki jih je treba nadzirati, ter ladjah in drugih prostorih, za katere se dejansko opravi nadzor;
- (d) statistične podatke o vseh pomorščakih ob upoštevanju njenih notranjih zakonov in drugih predpisov;
- (e) statistične podatke in informacije o kršitvah zakonodaje, naloženih kaznih in primerih zadržanja ladij in
- (f) statistične podatke o prijavljenih poškodbah in boleznih med pomorščaki.

Pravilo 5.1.5 – Postopek prijave na ladji

1. Vsaka članica zahteva, da je na ladjah, ki plujejo pod njeno zastavo, predviden postopek za pravično, učinkovito in hitro reševanje prijav pomorščakov zaradi domnevnih kršitev zahtev te konvencije (vključno s pravicami pomorščakov).
2. Vsaka članica prepove in kaznuje vsako vrsto šikaniranja pomorščaka zaradi podane prijave.
3. Določbe tega pravila in ustreznih delov kodeksa ne posegajo v pomorščakovo pravico, da si prizadeva odpraviti krivico s katerim koli pravnim sredstvom, ki je po njegovem mnenju ustrezno.

Standard A 5.1.5 – Postopek prijave na ladji

1. Postopek na ladji omogoča pomorščakom, da podajo prijavo v zvezi s katero koli zadevo, ki domnevno pomeni kršitev zahtev te konvencije (vključno s pravicami pomorščakov), in sicer brez poseganja v kateri koli širši obseg pravic po notranjih zakonih ali drugih predpisih ali kolektivnih pogodbah.
2. Vsaka članica s svojimi zakoni ali drugimi predpisi zagotovi, da se na ladji izvaja ustrezen postopek prijave, usklajen z zahtevami pravila 5.1.5. S tem postopkom se poskuša rešiti prijava na najnižji mogoči stopnji. Pomorščaki pa imajo v vsakem primeru pravico podati prijavo neposredno pri poveljniku in pristojnem zunanjem organu, kadar menijo, da je potrebno.
3. Postopek prijave na ladji vključuje pravico pomorščaka, da ga med postopkom prijave spremlja oseba ali pooblaščenec, ter tudi zaščito pred morebitnim šikaniranjem, do katerega lahko pride zaradi podane prijave. Izraz "šikaniranje" pomeni katero koli dejanje katere koli osebe, ki je škodljivo za pomorščaka zaradi podane prijave, ki očitno ni bila podana zaradi slabega namena ali zlorabe.
4. Vsi pomorščaki poleg izvoda pogodbe o zaposlitvi prejmejo izvod postopka prijave, ki se uporablja na ladji. Priloženi izvod vsebuje podatke za stike s pristojnim organom v državi zastave in državi prebivališča pomorščakov, če sta različni, ter ime in priimek osebe ali imena in priimke oseb na ladji, ki lahko na podlagi zaščite zaupnosti pomorščakom nepristransko svetujejo o njihovi prijavi in jim tudi drugače pomagajo, da se bolje seznanijo s postopkom prijave, ki jim je na voljo na ladji.

Smernica B 5.1.5 – Postopek prijave na ladji

1. Ob upoštevanju vseh ustreznih določb veljavnih kolektivnih pogodb mora pristojni organ v neposrednem posvetovanju z organizacijami ladjarjev in pomorščakov vzpostaviti pravičen, hiter in dobro dokumentiran postopek za reševanje prijav na ladji, ki velja za vse ladje, ki plujejo pod zastavo članice. Pri vzpostavljanju tega postopka je treba upoštevati, da:

(a) many complaints may relate specifically to those individuals to whom the complaint is to be made or even to the master of the ship. In all cases seafarers should also be able to complain directly to the master and to make a complaint externally; and

(b) in order to help avoid problems of victimization of seafarers making complaints about matters under this Convention, the procedures should encourage the nomination of a person on board who can advise seafarers on the procedures available to them and, if requested by the complainant seafarer, also attend any meetings or hearings into the subject matter of the complaint.

2. At a minimum the procedures discussed during the consultative process referred to in paragraph 1 of this Guideline should include the following:

(a) complaints should be addressed to the head of the department of the seafarer lodging the complaint or to the seafarer's superior officer;

(b) the head of department or superior officer should then attempt to resolve the matter within prescribed time limits appropriate to the seriousness of the issues involved;

(c) if the head of department or superior officer cannot resolve the complaint to the satisfaction of the seafarer, the latter may refer it to the master, who should handle the matter personally;

(d) seafarers should at all times have the right to be accompanied and to be represented by another seafarer of their choice on board the ship concerned;

(e) all complaints and the decisions on them should be recorded and a copy provided to the seafarer concerned;

(f) if a complaint cannot be resolved on board, the matter should be referred ashore to the shipowner, who should be given an appropriate time limit for resolving the matter, where appropriate, in consultation with the seafarers concerned or any person they may appoint as their representative; and

(g) in all cases seafarers should have a right to file their complaints directly with the master and the shipowner and competent authorities.

Regulation 5.1.6 – Marine casualties

1. Each Member shall hold an official inquiry into any serious marine casualty, leading to injury or loss of life, that involves a ship that flies its flag. The final report of an inquiry shall normally be made public.

2. Members shall cooperate with each other to facilitate the investigation of serious marine casualties referred to in paragraph 1 of this Regulation.

Standard A5.1.6 – Marine casualties
(No provisions)

Guideline B5.1.6 – Marine casualties
(No provisions)

Regulation 5.2 – Port State responsibilities

Purpose: To enable each Member to implement its responsibilities under this Convention regarding international cooperation in the implementation and enforcement of the Convention standards on foreign ships

Regulation 5.2.1 – Inspections in port

1. Every foreign ship calling, in the normal course of its business or for operational reasons, in the port of a Member may be the subject of inspection in accordance with paragraph 4 of Article V for the purpose of reviewing compliance with the requirements of this Convention (including seafarers' rights) relating to the working and living conditions of seafarers on the ship.

(a) se veliko prijav lahko nanaša prav na tiste, ki sprejemajo prijave, ali celo na poveljnika ladje. Vsekakor lahko pomorščak poda prijavo tudi neposredno poveljniku ali zunanjemu organu in

(b) mora postopek spodbujati imenovanje osebe na ladji, ki lahko svetuje pomorščakom o razpoložljivih postopkih ter se udeleži vseh sestankov ali obravnjav prijave, kadar to od nje zahteva pomorščak prijavitelj, da se pomaga preprečiti šikaniranje pomorščakov, ki podajo prijavo o zadevah iz te konvencije.

2. Postopki, dogovorjeni med posvetovanjem iz prvega odstavka te smernice, morajo vključevati vsaj naslednje:

(a) prijavo je treba nasloviti na vodjo službe, v kateri dela pomorščak, ki vlaga prijavo, ali častnika, nadrejenega pomorščaku;

(b) vodja službe ali nadrejeni častnik mora poskusiti rešiti zadevo v predpisanem roku, ki je primeren glede na resnost zadeve;

(c) če vodja službe ali nadrejeni častnik ne more rešiti prijave v zadovoljstvo pomorščaka prijavitelja, se lahko obrne na poveljnika, ki mora zadevo osebno prevzeti;

(d) pomorščak mora imeti ves čas pravico, da si izbere drugega pomorščaka na ladji, ki ga bo spremljal ali zastopal;

(e) vse prijave in odločitve je treba po obravnavi vnesti v evidenco, izvod pa vročiti pomorščaku prijavitelju;

(f) če se prijava ne more rešiti na ladji, je treba zadevo poslati ladjarju na kopnem, ki mora v ustreznem roku rešiti zadevo, pri čemer se lahko po potrebi posvetuje s pomorščakom, ki je prijavo podal, ali s katero koli drugo osebo, ki jo je pomorščak imenoval za svojega pooblaščenca, in

(g) vsekakor imajo pomorščaki pravico, da svoje prijave podajo tudi neposredno pri poveljniku in ladjarju ter pristojnem organu.

Pravilo 5.1.6 – Pomorske nesreče

1. Vsaka članica uvede uradno preiskavo o vseh resnih pomorskih nesrečah, ki so povzročile poškodbo ali izgubo življenja in pri katerih je bila udeležena ladja, ki pluje pod njeno zastavo. Navadno se končno poročilo o preiskavi javno objavi.

2. Zaradi olajšanja preiskave o resnih pomorskih nesreč iz prvega odstavka tega pravila članice medsebojno sodelujejo.

Standard A 5.1.6 – Pomorske nesreče
(ni določb)

Smernica B 5.1.6 – Pomorske nesreče
(ni določb)

Pravilo 5.2 – Odgovornost države pristanišča

Namen: vsaki članici omogočiti izvajanje odgovornosti po tej konvenciji glede na mednarodno sodelovanje pri izvajanju in uveljavljanju standardov te konvencije o tujih ladjah

Pravilo 5.2.1 – Nadzor v pristanišču

1. Na vsaki tuji ladji, ki pri rednem delu ali zaradi obratovalnih razlogov vpluje v pristanišče članice, se lahko opravi nadzor v skladu s četrtem odstavkom V. člena, da se preveri skladnost z zahtevami te konvencije (vključno s pravicami pomorščakov), ki se nanašajo na delovne pogoje in življenjske razmere pomorščakov na ladji.

2. Each Member shall accept the maritime labour certificate and the declaration of maritime labour compliance required under Regulation 5.1.3 as prima facie evidence of compliance with the requirements of this Convention (including seafarers' rights). Accordingly, the inspection in its ports shall, except in the circumstances specified in the Code, be limited to a review of the certificate and declaration.

3. Inspections in a port shall be carried out by authorized officers in accordance with the provisions of the Code and other applicable international arrangements governing port State control inspections in the Member. Any such inspection shall be limited to verifying that the matter inspected is in conformity with the relevant requirements set out in the Articles and Regulations of this Convention and in Part A only of the Code.

4. Inspections that may be carried out in accordance with this Regulation shall be based on an effective port State inspection and monitoring system to help ensure that the working and living conditions for seafarers on ships entering a port of the Member concerned meet the requirements of this Convention (including seafarers' rights).

5. Information about the system referred to in paragraph 4 of this Regulation, including the method used for assessing its effectiveness, shall be included in the Member's reports pursuant to article 22 of the Constitution.

Standard A5.2.1 – Inspections in port

1. Where an authorized officer, having come on board to carry out an inspection and requested, where applicable, the maritime labour certificate and the declaration of maritime labour compliance, finds that:

(a) the required documents are not produced or maintained or are falsely maintained or that the documents produced do not contain the information required by this Convention or are otherwise invalid; or

(b) there are clear grounds for believing that the working and living conditions on the ship do not conform to the requirements of this Convention; or

(c) there are reasonable grounds to believe that the ship has changed flag for the purpose of avoiding compliance with this Convention; or

(d) there is a complaint alleging that specific working and living conditions on the ship do not conform to the requirements of this Convention;

a more detailed inspection may be carried out to ascertain the working and living conditions on board the ship. Such inspection shall in any case be carried out where the working and living conditions believed or alleged to be defective could constitute a clear hazard to the safety, health or security of seafarers or where the authorized officer has grounds to believe that any deficiencies constitute a serious breach of the requirements of this Convention (including seafarers' rights).

2. Where a more detailed inspection is carried out on a foreign ship in the port of a Member by authorized officers in the circumstances set out in subparagraph (a), (b) or (c) of paragraph 1 of this Standard, it shall in principle cover the matters listed in Appendix A5-III.

3. In the case of a complaint under paragraph 1(d) of this Standard, the inspection shall generally be limited to matters within the scope of the complaint, although a complaint, or its investigation, may provide clear grounds for a detailed inspection in accordance with paragraph 1(b) of this Standard. For the purpose of paragraph 1(d) of this Standard, "complaint" means information submitted by a seafarer, a professional body, an association, a trade union or, generally, any person with an interest in the safety of the ship, including an interest in safety or health hazards to seafarers on board.

2. Vsaka članica sprejme spričevalo o delu v pomorstvu in izjavo o skladnosti dela v pomorstvu, ki ju zahteva pravilo 5.1.3, kot dokaz prima facie skladnosti z zahtevami te konvencije (vključno s pravicami pomorščakov). Skladno s tem se opravi nadzor v njenem pristanišču, razen v okoliščinah, določenih v kodeksu, ki je omejen na preverjanje spričevala in izjave.

3. Nadzor v pristanišču opravijo pooblašteni uradniki v skladu z določbami kodeksa in drugimi veljavnimi mednarodnimi dogovori, ki urejajo nadzore pomorske inšpekcije v članici. Vsak tak nadzor je omejen na preverjanje, ali je nadzor v skladu z ustreznimi zahtevami, ki jih določajo členi in pravila te konvencije ter samo del A kodeksa.

4. Nadzor, ki se lahko opravlja v skladu s tem pravilom, temelji na učinkovitem sistemu nadzora države pristanišča, ki zagotavlja, da so delovni pogoji in življenjske razmere pomorščakov na ladjah, ki so vplule v pristanišče članice, usklajeni z zahtevami te konvencije (vključno s pravicami pomorščakov).

5. V poročilo članice se v skladu z 22. členom ustave vključijo informacije o sistemu iz četrtega odstavka tega pravila, vključno z načinom ocenjevanja njegove učinkovitosti.

Standard A 5.2.1 – Nadzor v pristanišču

1. Kadar pooblašteni uradnik, ki se vkrca na ladjo, da bi opravil nadzor, ter po potrebi zahteva spričevalo o delu v pomorstvu in izjavo o skladnosti dela v pomorstvu, ugotovi, da:

(a) zahtevanih dokumentov ni ali nista obnovljena ali sta napačno obnovljena ali ne vsebujeta podatkov, ki jih zahteva ta konvencija, ali sta kako drugače neveljavna ali

(b) so utemeljeni razlogi za sum, da delovni pogoji in življenjske razmere na ladji niso v skladu z zahtevami te konvencije, ali

(c) so utemeljeni razlogi za sum, da je ladja spremenila zastavo, da bi se izognila izpolnjevanju te konvencije, ali

(d) je podana prijava, da delovni pogoji in življenjske razmere na ladji niso v skladu z zahtevami te konvencije,

se lahko opravi podrobnejši nadzor, s katerim se preverijo delovni pogoji in življenjske razmere na ladji. Tak nadzor se opravi, kadar so razlogi za sum ali domneve, da so delovni pogoji in življenjske razmere pomanjkljivi ter pomenijo resno nevarnost za zdravje in varnost pomorščakov, ali kadar ima pooblašteni uradnik razloge za sum, da obstaja kakršna koli pomanjkljivost, ki pomeni resno kršitev zahtev te konvencije (vključno s pravicami pomorščakov).

2. Podrobnejši nadzor nad tujo ladjo v pristanišču članice, ki ga opravlja pooblašteni uradnik v okoliščinah, ki jih določajo točke a, b ali c prvega odstavka tega standarda, načelno zajema zadeve, našteje v dodatku A5-III.

3. Če je podana prijava po točki d prvega odstavka tega standarda, se nadzor na splošno omeji na zadeve, navedene v prijavi, čeprav lahko prijava ali preiskava na podlagi prijave zagotovi zadostne razloge za podroben nadzor v skladu s točko b prvega odstavka tega standarda. Za namen točke d prvega odstavka tega standarda izraz "prijava" pomeni informacijo, ki jo predloži pomorščak, strokovni organ, združenje, sindikat ali kdor koli, ki ima interes za varnost ladje, vključno z interesom za varnost in zdravje pomorščakov na ladji.

4. Where, following a more detailed inspection, the working and living conditions on the ship are found not to conform to the requirements of this Convention, the authorized officer shall forthwith bring the deficiencies to the attention of the master of the ship, with required deadlines for their rectification. In the event that such deficiencies are considered by the authorized officer to be significant, or if they relate to a complaint made in accordance with paragraph 3 of this Standard, the authorized officer shall bring the deficiencies to the attention of the appropriate seafarers' and shipowners' organizations in the Member in which the inspection is carried out, and may:

(a) notify a representative of the flag State;

(b) provide the competent authorities of the next port of call with the relevant information.

5. The Member in which the inspection is carried out shall have the right to transmit a copy of the officer's report, which must be accompanied by any reply received from the competent authorities of the flag State within the prescribed deadline, to the Director-General of the International Labour Office with a view to such action as may be considered appropriate and expedient in order to ensure that a record is kept of such information and that it is brought to the attention of parties which might be interested in availing themselves of relevant recourse procedures.

6. Where, following a more detailed inspection by an authorized officer, the ship is found not to conform to the requirements of this Convention and:

(a) the conditions on board are clearly hazardous to the safety, health or security of seafarers; or

(b) the non-conformity constitutes a serious or repeated breach of the requirements of this Convention (including seafarers' rights);

the authorized officer shall take steps to ensure that the ship shall not proceed to sea until any non-conformities that fall within the scope of subparagraph (a) or (b) of this paragraph have been rectified, or until the authorized officer has accepted a plan of action to rectify such non-conformities and is satisfied that the plan will be implemented in an expeditious manner. If the ship is prevented from sailing, the authorized officer shall forthwith notify the flag State accordingly and invite a representative of the flag State to be present, if possible, requesting the flag State to reply within a prescribed deadline. The authorized officer shall also inform forthwith the appropriate shipowners' and seafarers' organizations in the port State in which the inspection was carried out.

7. Each Member shall ensure that its authorized officers are given guidance, of the kind indicated in Part B of the Code, as to the kinds of circumstances justifying detention of a ship under paragraph 6 of this Standard.

8. When implementing their responsibilities under this Standard, each Member shall make all possible efforts to avoid a ship being unduly detained or delayed. If a ship is found to be unduly detained or delayed, compensation shall be paid for any loss or damage suffered. The burden of proof in each case shall be on the complainant.

Guideline B5.2.1 – Inspections in port

1. The competent authority should develop an inspection policy for authorized officers carrying out inspections under Regulation 5.2.1. The objective of the policy should be to ensure consistency and to otherwise guide inspection and enforcement activities related to the requirements of this Convention (including seafarers' rights). Copies of this policy should be provided to all authorized officers and should be available to the public and shipowners and seafarers.

4. Če se pri podrobnem nadzoru ladje ugotovi, da delovni pogoji in življenjske razmere na ladji niso v skladu z zahtevami te konvencije, pooblaščen uradnik nemudoma opozori poveljnika ladje na pomanjkljivosti in določi skrajni rok za njihovo odpravo. Če pooblaščen uradnik meni, da so ugotovljene pomanjkljivosti resne ali se nanašajo na prijavo, podano v skladu s tretjim odstavkom tega standarda, na te pomanjkljivosti opozori ustrezne organizacije pomorščakov in ladjarjev v članici, v kateri je bil opravljen nadzor, ter lahko:

(a) obvesti predstavnika države zastave;

(b) zagotovi ustrezne informacije pristojnim organom v naslednjem pristanišču pristanka.

5. Članica, v kateri je opravljen nadzor, ima pravico, da izvod uradnega poročila, ki mu mora priložiti vsak odgovor, ki ji ga je v predpisanem roku poslal pristojni organ države zastave, pošlje generalnemu direktorju Mednarodnega urada za delo, da se hitro sprožijo ustrezni ukrepi, zagotovi vnos poročila v evidenco in opozorijo zainteresirane strani, da lahko izkoristijo ustrezne postopke prijave.

6. Če se pri podrobnem nadzoru ugotovi, da ladja ne izpolnjuje zahtev te konvencije ter da:

(a) razmere na ladji pomenijo resno nevarnost za zdravje in varnost pomorščakov ali

(b) neskladnost pomeni resno in ponovno kršitev zahtev te konvencije (vključno s pravicami pomorščakov),

pooblaščen uradnik sprejme ukrepe, s katerimi ladji onemogoči nadaljevanje plovbe, dokler se ne odpravijo vse neskladnosti iz točke a ali b tega odstavka ali dokler pooblaščen uradnik ne sprejme načrta za odpravljanje neskladnosti in se ne prepriča o njegovem hitrem izvajanju. Če se ladji prepreči nadaljnja plovba, pooblaščen uradnik nemudoma obvesti državo zastave, povabi predstavnika države zastave, da je po možnosti navzoč, ter v predpisanem roku zahteva odgovor države zastave. Pooblaščen uradnik nemudoma obvesti ustrezne organizacije ladjarjev in pomorščakov v državi pristanišča, v kateri je bil nadzor opravljen.

7. Vsaka članica zagotovi, da njeni pooblaščen uradniki prejmejo usmeritve, kot je določeno v delu B kodeksa, v kakšnih okoliščinah je zadržanje ladje na podlagi šestega odstavka tega standarda upravičeno.

8. Vsaka članica si pri izpolnjevanju obveznosti na podlagi tega standarda po najboljših močeh prizadeva, da se prepreči neupravičeno zadržanje ali zamujanje ladje. Če se ugotovi, da je bila ladja neupravičeno zadržana ali v zamudi, se plača odškodnina za izgubo ali nastalo škodo. Dokazno breme je vedno na prijavitelju.

Smernica B 5.2.1 – Nadzor v pristanišču

1. Pristojni organ mora določiti usmeritve nadzora za pooblaščen uradnike, ki opravljajo nadzor na podlagi pravila 5.2.1. Cilj usmeritve je zagotavljanje doslednosti in tudi sicer dajanje navodil za opravljanje nadzora in uveljavljanje zahtev te konvencije (vključno s pravicami pomorščakov). Izvod teh usmeritev je treba zagotoviti vsem pooblaščenim uradnikom in mora biti dostopen javnosti, ladjarjem in pomorščakom.

2. When developing a policy relating to the circumstances warranting a detention of the ship under Standard A5.2.1, paragraph 6, of the competent authority should consider that, with respect to the breaches referred to in Standard A5.2.1, paragraph 6(b), the seriousness could be due to the nature of the deficiency concerned. This would be particularly relevant in the case of the violation of fundamental rights and principles or seafarers' employment and social rights under Articles III and IV. For example, the employment of a person who is under age should be considered as a serious breach even if there is only one such person on board. In other cases, the number of different defects found during a particular inspection should be taken into account: for example, several instances of defects relating to accommodation or food and catering which do not threaten safety or health might be needed before they should be considered as constituting a serious breach.

3. Members should cooperate with each other to the maximum extent possible in the adoption of internationally agreed guidelines on inspection policies, especially those relating to the circumstances warranting the detention of a ship.

Regulation 5.2.2 – Onshore seafarer complaint-handling procedures

1. Each Member shall ensure that seafarers on ships calling at a port in the Member's territory who allege a breach of the requirements of this Convention (including seafarers' rights) have the right to report such a complaint in order to facilitate a prompt and practical means of redress.

Standard A5.2.2 – Onshore seafarer complaint-handling procedures

1. A complaint by a seafarer alleging a breach of the requirements of this Convention (including seafarers' rights) may be reported to an authorized officer in the port at which the seafarer's ship has called. In such cases, the authorized officer shall undertake an initial investigation.

2. Where appropriate, given the nature of the complaint, the initial investigation shall include consideration of whether the on-board complaint procedures provided under Regulation 5.1.5 have been explored. The authorized officer may also conduct a more detailed inspection in accordance with Standard A5.2.1.

3. The authorized officer shall, where appropriate, seek to promote a resolution of the complaint at the ship-board level.

4. In the event that the investigation or the inspection provided under this Standard reveals a non-conformity that falls within the scope of paragraph 6 of Standard A5.2.1, the provisions of that paragraph shall be applied.

5. Where the provisions of paragraph 4 of this Standard do not apply, and the complaint has not been resolved at the ship-board level, the authorized officer shall forthwith notify the flag State, seeking, within a prescribed deadline, advice and a corrective plan of action.

6. Where the complaint has not been resolved following action taken in accordance with paragraph 5 of this Standard, the port State shall transmit a copy of the authorized officer's report to the Director-General. The report must be accompanied by any reply received within the prescribed deadline from the competent authority of the flag State. The appropriate shipowners' and seafarers' organizations in the port State shall be similarly informed. In addition, statistics and information regarding complaints that have been resolved shall be regularly submitted by the port State to the Director-General. Both such submissions are provided in order that, on the basis of such action as may be considered appropriate and expedient, a record is kept of such information and is brought to the attention of parties, including shipowners' and seafarers' organizations, which might be interested in availing themselves of relevant recourse procedures.

7. Appropriate steps shall be taken to safeguard the confidentiality of complaints made by seafarers.

2. Pri določanju usmeritev v zvezi z okoliščinami, ki upravičujejo zadržanje ladje po šestem odstavku standarda A 5.2.1, mora pristojni organ upoštevati, da se lahko resnost kršitve po točki b šestega odstavka standarda A 5.2.1 določi na podlagi narave ugotovljene pomanjkljivosti. To še zlasti velja, kadar se kršijo temeljne pravice in načela ali pomorščakove pravice v zvezi z zaposlitvijo in njegove socialne pravice po III. in IV. členu. Na primer: zaposlitev mladoletne osebe je treba šteti kot resno kršitev, celo če je na ladji le ena taka oseba. V drugih primerih je treba upoštevati število različnih pomanjkljivosti, ugotovljenih pri posameznem nadzoru, na primer: preden se pomanjkljivost v zvezi z nastanitvijo ali hrano in oskrbo šteje za resno kršitev, je treba ugotoviti več pomanjkljivosti, ki ne ogrožajo varnosti ali zdravja.

3. Članice morajo pri sprejemanju mednarodno dogovorjenih smernic o nadzoru čim bolj sodelovati, zlasti pri sprejemanju smernic v zvezi z okoliščinami, ki upravičujejo zadržanje ladje.

Pravilo 5.2.2 – Postopek reševanja prijave pomorščaka na kopnem

1. Vsaka članica zagotovi, da imajo pomorščaki na ladji, ki je pristala v pristanišču na ozemlju članice, ki so podali prijavo zaradi domnevne kršitve zahtev te konvencije (vključno s pravicami pomorščakov), pravico poročati o svoji prijavi, da se omogoči hitra in konkretna poprava krivic.

Standard A 5.2.2 – Postopek reševanja prijave pomorščaka na kopnem

1. Pomorščak lahko s prijavo o domnevni kršitvi zahtev te konvencije (vključno s pravicami pomorščakov) seznaní pooblaščenega uradnika v pristanišču, v katerem je pomorščakova ladja pristala. V takih primerih pooblaščen uradnik uvede preiskavo.

2. V tej preiskavi se glede na naravo prijave po potrebi preveri, ali so bile v postopku prijave na ladji izčrpane vse možnosti iz pravila 5.1.5. Pooblaščen uradnik lahko v skladu s standardom A 5.2.1 opravi podroben nadzor.

3. Kadar je primerno, si pooblaščen uradnik prizadeva spodbujati reševanje prijave na ladji.

4. Če se s preiskavo ali nadzorom po tem standardu ugotovi neskladnost s šestim odstavkom standarda A 5.2.1, se uporabijo določbe tistega odstavka.

5. Če se določbe četrtega odstavka tega standarda ne uporabijo in prijava ni bila rešena na ladji, pooblaščen uradnik nemudoma obvesti državo zastave ter zahteva v predpisanem roku navodila in načrt za odpravo pomanjkljivosti.

6. Če prijava ni bila rešena z ukrepom v skladu s petim odstavkom tega standarda, država pristanišča pošlje izvod poročila pooblaščenega uradnika generalnemu direktorju. Poročilo je treba priložiti vsak odgovor, ki ga je pristojni organ države zastave poslal v predpisanem roku. Prav tako je treba obvestiti ustrezne organizacije ladjarjev in pomorščakov v državi pristanišča. Poleg tega država pristanišča redno pošilja generalnemu direktorju statistične podatke in informacije o rešenih prijavah. Navedeni dokumenti se pošljejo zato, da se lahko hitro sprejmejo ustrezni ukrepi, zagotovi vnos informacij v evidenco in opozorijo zainteresirane strani, vključno z organizacijami ladjarjev in pomorščakov, da lahko izkoristijo ustrezne postopke prijave.

7. Za varovanje zaupnosti prijave, ki jo je podal pomorščak, se sprejmejo ustrezni ukrepi.

Guideline B5.2.2 – Onshore seafarer complaint-handling procedures

1. Where a complaint referred to in Standard A5.2.2 is dealt with by an authorized officer, the officer should first check whether the complaint is of a general nature which concerns all seafarers on the ship, or a category of them, or whether it relates only to the individual case of the seafarer concerned.

2. If the complaint is of a general nature, consideration should be given to undertaking a more detailed inspection in accordance with Standard A5.2.1.

3. If the complaint relates to an individual case, an examination of the results of any on-board complaint procedures for the resolution of the complaint concerned should be undertaken. If such procedures have not been explored, the authorized officer should suggest that the complainant take advantage of any such procedures available. There should be good reasons for considering a complaint before any on-board complaint procedures have been explored. These would include the inadequacy of, or undue delay in, the internal procedures or the complainant's fear of reprisal for lodging a complaint.

4. In any investigation of a complaint, the authorized officer should give the master, the shipowner and any other person involved in the complaint a proper opportunity to make known their views.

5. In the event that the flag State demonstrates, in response to the notification by the port State in accordance with paragraph 5 of Standard A5.2.2, that it will handle the matter, and that it has in place effective procedures for this purpose and has submitted an acceptable plan of action, the authorized officer may refrain from any further involvement with the complaint.

Regulation 5.3 – Labour-supplying responsibilities

Purpose: To ensure that each Member implements its responsibilities under this Convention as pertaining to seafarer recruitment and placement and the social protection of its seafarers

1. Without prejudice to the principle of each Member's responsibility for the working and living conditions of seafarers on ships that fly its flag, the Member also has a responsibility to ensure the implementation of the requirements of this Convention regarding the recruitment and placement of seafarers as well as the social security protection of seafarers that are its nationals or are resident or are otherwise domiciled in its territory, to the extent that such responsibility is provided for in this Convention.

2. Detailed requirements for the implementation of paragraph 1 of this Regulation are found in the Code.

3. Each Member shall establish an effective inspection and monitoring system for enforcing its labour-supplying responsibilities under this Convention.

4. Information about the system referred to in paragraph 3 of this Regulation, including the method used for assessing its effectiveness, shall be included in the Member's reports pursuant to article 22 of the Constitution.

Standard A5.3 – Labour-supplying responsibilities

1. Each Member shall enforce the requirements of this Convention applicable to the operation and practice of seafarer recruitment and placement services established on its territory through a system of inspection and monitoring and legal proceedings for breaches of licensing and other operational requirements provided for in Standard A1.4.

Guideline B5.3 – Labour-supplying responsibilities

1. Private seafarer recruitment and placement services established in the Member's territory and securing the services of a seafarer for a shipowner, wherever located, should be required to assume obligations to ensure the proper fulfilment by shipowners of the terms of their employment agreements concluded with seafarers.

Smernica B 5.2.2 – Postopek reševanja prijave pomorščaka na kopnem

1. Pooblaščen uradnik mora pri obravnavi prijave iz standarda A 5.2.2 najprej preveriti, ali je prijava splošna in se nanaša na vse pomorščake na ladji ali samo na posamezno skupino ali pa samo na posameznega pomorščaka, ki je podal prijavo.

2. Če je prijava splošna, je treba proučiti možnost podrobnejšega nadzora v skladu s standardom A 5.2.1.

3. Če se prijava nanaša na posameznika, je treba pregledati ugotovitve postopka prijave na ladji, v katerem je bila obravnavana prijava. Če postopek na ladji ni bil uveden, mora pooblaščen uradnik predlagati, da prijavitelj za reševanje prijave najprej izkoristi postopek, ki je na voljo na ladji. Obstajati morajo dobri razlogi, da se prijava obravnava, še preden je bila obravnavana na ladji. Ti razlogi vključujejo neprimerno ali neupravičeno zamudo pri notranjih postopkih ali strah prijavitelja pred povračilnimi ukrepi zaradi podane prijave.

4. Pri vsakem reševanju prijave mora pooblaščen uradnik dati poveljniku, ladjarju in kateri koli drugi osebi, povezani s prijavo, možnost, da poveje svoje mnenje.

5. Če država zastave v odgovoru na obvestilo države pristanišča v skladu s petim odstavkom standarda A 5.2.2 dokaže, da lahko reši zadevo in da je uvedla učinkovit postopek, ter predloži sprejemljiv načrt ukrepov, lahko pooblaščen uradnik opusti vsako nadaljnje obravnavanje prijave.

Pravilo 5.3 – Odgovornost pri zagotavljanju delovne sile

Namen: zagotoviti, da vsaka članica izpolnjuje svoje obveznosti po tej konvenciji v zvezi z zaposlovanjem, nameščanjem in socialno varnostjo pomorščakov

1. Ne glede na obveznosti vsake članice v zvezi z delovnimi pogoji in življenjskimi razmerami pomorščakov na ladjah, ki plujejo pod njeno zastavo, je članica odgovorna tudi za izpolnjevanje zahtev te konvencije v zvezi z zaposlovanjem, nameščanjem in socialno varnostjo pomorščakov, ki so državljanji članice ali imajo prebivališče v članici ali so kako drugače nastanjeni na njenem ozemlju, če je taka odgovornost določena s to konvencijo.

2. Podrobnejše zahteve za izvajanje prvega odstavka tega pravila so navedene v kodeksu.

3. Vsaka članica vzpostavi učinkovit sistem inšpekcijskega pregleda in nadzora nad izpolnjevanjem svojih obveznosti pri zagotavljanju delovne sile po tej konvenciji.

4. V poročilo članice se v skladu s 22. členom ustave vključijo informacije o sistemu iz tretjega odstavka tega pravila, vključno z načinom ocenjevanja njegove učinkovitosti.

Standard A 5.3 – Odgovornost pri zagotavljanju delovne sile

1. Vsaka članica izpolnjuje zahteve te konvencije, ki se nanašajo na delovanje in prakso služb za zaposlovanje in nameščanje pomorščakov na njenem ozemlju, tako da vzpostavi sistem inšpekcijskega pregleda in nadzora ter pravnih postopkov za obravnavo kršitev izdajanja dovoljenj in drugih zahtev iz standarda A 1.4.

Smernica B 5.3 – Odgovornost pri zagotavljanju delovne sile

1. Od zasebnih služb za zaposlovanje in nameščanje pomorščakov, ustanovljenih na ozemlju članic, ki zagotavljajo storitve pomorščakov za ladjarje ne glede na sedež, je treba zahtevati, da prevzamejo obveznosti zagotavljanja, da ladjar v celoti izpolnjuje zahteve iz pogodb o zaposlitvi, sklenjenih s pomorščaki.

APPENDIX A5-I

The working and living conditions of seafarers that must be inspected and approved by the flag State before certifying a ship in accordance with Standard A5.1.3, paragraph 1:

Minimum age

Medical certification

Qualifications of seafarers

Seafarers' employment agreements

Use of any licensed or certified or regulated private recruitment and placement service

Hours of work or rest

Manning levels for the ship

Accommodation

On-board recreational facilities

Food and catering

Health and safety and accident prevention

On-board medical care

On-board complaint procedures

Payment of wages

APPENDIX A5-II**Maritime Labour Certificate**

(Note: This Certificate shall have a Declaration of Maritime Labour Compliance attached)

Issued under the provisions of Article V and Title 5 of the
Maritime Labour Convention, 2006
(referred to below as “the Convention”)
under the authority of the Government of:

.....
(full designation of the State whose flag the ship is entitled to fly)

by
(full designation and address of the competent authority or recognized organization
duly authorized under the provisions of the Convention)

Particulars of the ship

Name of ship

Distinctive number or letters

Port of registry

Date of registry

Gross tonnage¹

IMO number

Type of ship

Name and address of the shipowner²

.....

.....

¹ For ships covered by the tonnage measurement interim scheme adopted by the IMO, the gross tonnage is that which is included in the REMARKS column of the International Tonnage Certificate (1969). See Article II(1)(c) of the Convention.

² *Shipowner* means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with this Convention, regardless of whether any other organizations or persons fulfil certain of the duties or responsibilities on behalf of the shipowner. See Article II(1)(j) of the Convention.

This is to certify:

1. That this ship has been inspected and verified to be in compliance with the requirements of the Convention, and the provisions of the attached Declaration of Maritime Labour Compliance.

2. That the seafarers' working and living conditions specified in Appendix A5-I of the Convention were found to correspond to the abovementioned country's national requirements implementing the Convention. These national requirements are summarized in the Declaration of Maritime Labour Compliance, Part I.

This Certificate is valid until subject to inspections in accordance with Standards A5.1.3 and A5.1.4 of the Convention.

This Certificate is valid only when the Declaration of Maritime Labour Compliance issued

at on is attached.

Completion date of the inspection on which this Certificate is based was

Issued at on

Signature of the duly authorized official issuing the Certificate

(Seal or stamp of issuing authority, as appropriate)

Endorsements for mandatory intermediate inspection and, if required, any additional inspection

This is to certify that the ship was inspected in accordance with Standards A5.1.3 and A5.1.4 of the Convention and that the seafarers' working and living conditions specified in Appendix A5-I of the Convention were found to correspond to the abovementioned country's national requirements implementing the Convention.

Intermediate inspection:
(to be completed between the second and third anniversary dates)

Signed
(Signature of authorized official)

Place

Date
(Seal or stamp of the authority,
as appropriate)

Additional endorsements (if required)

This is to certify that the ship was the subject of an additional inspection for the purpose of verifying that the ship continued to be in compliance with the national requirements implementing the Convention, as required by Standard A3.1, paragraph 3, of the Convention (re-registration or substantial alteration of accommodation) or for other reasons.

Additional inspection:
(if required)

Signed
(Signature of authorized official)

Place

Date
(Seal or stamp of the authority,
as appropriate)

Additional inspection:
(if required)

Signed
(Signature of authorized official)

Place

Date
(Seal or stamp of the authority,
as appropriate)

Additional inspection:
(if required)

Signed
(Signature of authorized official)

Place

Date
(Seal or stamp of the authority,
as appropriate)

Maritime Labour Convention, 2006

Declaration of Maritime Labour Compliance – Part I

(Note: This Declaration must be attached to the ship's Maritime Labour Certificate)

Issued under the authority of: *(insert name of competent authority as defined in Article II, paragraph 1(a), of the Convention)*

With respect to the provisions of the Maritime Labour Convention, 2006, the following referenced ship:

Name of ship	IMO number	Gross tonnage

is maintained in accordance with Standard A5.1.3 of the Convention.

The undersigned declares, on behalf of the abovementioned competent authority, that:

- (a) the provisions of the Maritime Labour Convention are fully embodied in the national requirements referred to below;
- (b) these national requirements are contained in the national provisions referenced below; explanations concerning the content of those provisions are provided where necessary;
- (c) the details of any substantial equivalencies under Article VI, paragraphs 3 and 4, are provided <under the corresponding national requirement listed below> <in the section provided for this purpose below> *(strike out the statement which is not applicable)*;
- (d) any exemptions granted by the competent authority in accordance with Title 3 are clearly indicated in the section provided for this purpose below; and
- (e) any ship-type specific requirements under national legislation are also referenced under the requirements concerned.

1. Minimum age (Regulation 1.1)
2. Medical certification (Regulation 1.2)
3. Qualifications of seafarers (Regulation 1.3)
4. Seafarers' employment agreements (Regulation 2.1)
5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)
6. Hours of work or rest (Regulation 2.3)
7. Manning levels for the ship (Regulation 2.7)
8. Accommodation (Regulation 3.1)
9. On-board recreational facilities (Regulation 3.1)
10. Food and catering (Regulation 3.2)
11. Health and safety and accident prevention (Regulation 4.3)

- 12. On-board medical care (Regulation 4.1)
- 13. On-board complaint procedures (Regulation 5.1.5)
- 14. Payment of wages (Regulation 2.2)

Name:

Title:

Signature:

Place:

Date:

(Seal or stamp of the authority,
as appropriate)

Substantial equivalencies

(Note: Strike out the statement which is not applicable)

The following substantial equivalencies, as provided under Article VI, paragraphs 3 and 4, of the Convention, except where stated above, are noted *(insert description if applicable)*:

.....
.....

No equivalency has been granted.

Name:

Title:

Signature:

Place:

Date:

(Seal or stamp of the authority,
as appropriate)

Exemptions

(Note: Strike out the statement which is not applicable)

The following exemptions granted by the competent authority as provided in Title 3 of the Convention are noted:

.....
.....

No exemption has been granted.

Name:

Title:

Signature:

Place:

Date:

(Seal or stamp of the authority,
as appropriate)

Declaration of Maritime Labour Compliance – Part II

Measures adopted to ensure ongoing compliance between inspections

The following measures have been drawn up by the shipowner, named in the Maritime Labour Certificate to which this Declaration is attached, to ensure ongoing compliance between inspections:

(State below the measures drawn up to ensure compliance with each of the items in Part I)

- | | | |
|-----|--|--------------------------|
| 1. | Minimum age (Regulation 1.1) | <input type="checkbox"/> |
| | | |
| 2. | Medical certification (Regulation 1.2) | <input type="checkbox"/> |
| | | |
| 3. | Qualifications of seafarers (Regulation 1.3) | <input type="checkbox"/> |
| | | |
| 4. | Seafarers' employment agreements (Regulation 2.1) | <input type="checkbox"/> |
| | | |
| 5. | Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4) | <input type="checkbox"/> |
| | | |
| 6. | Hours of work or rest (Regulation 2.3) | <input type="checkbox"/> |
| | | |
| 7. | Manning levels for the ship (Regulation 2.7) | <input type="checkbox"/> |
| | | |
| 8. | Accommodation (Regulation 3.1) | <input type="checkbox"/> |
| | | |
| 9. | On-board recreational facilities (Regulation 3.1) | <input type="checkbox"/> |
| | | |
| 10. | Food and catering (Regulation 3.2) | <input type="checkbox"/> |
| | | |
| 11. | Health and safety and accident prevention (Regulation 4.3) | <input type="checkbox"/> |
| | | |
| 12. | On-board medical care (Regulation 4.1) | <input type="checkbox"/> |
| | | |
| 13. | On-board complaint procedures (Regulation 5.1.5) | <input type="checkbox"/> |
| | | |
| 14. | Payment of wages (Regulation 2.2) | <input type="checkbox"/> |
| | | |

I hereby certify that the above measures have been drawn up to ensure ongoing compliance, between inspections, with the requirements listed in Part I.

Name of shipowner:¹

.....

Company address:

.....

Name of the authorized signatory:

.....

Title:

Signature of the authorized signatory:

.....

Date:

(Stamp or seal of the shipowner¹)

The above measures have been reviewed by (*insert name of competent authority or duly recognized organization*) and, following inspection of the ship, have been determined as meeting the purposes set out under Standard A5.1.3, paragraph 10(b), regarding measures to ensure initial and ongoing compliance with the requirements set out in Part I of this Declaration.

Name:

Title:

Address:

.....

.....

Signature:

Place:

Date:

(Seal or stamp of the authority,
as appropriate)

¹ *Shipowner* means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with this Convention, regardless of whether any other organizations or persons fulfil certain of the duties or responsibilities on behalf of the shipowner. See Article II(1)(j) of the Convention.

Interim Maritime Labour Certificate

Issued under the provisions of Article V and Title 5 of the
Maritime Labour Convention, 2006
(referred to below as “the Convention”)
under the authority of the Government of:

.....
(full designation of the State whose flag the ship is entitled to fly)

by

(full designation and address of the competent authority or recognized organization
duly authorized under the provisions of the Convention)

Particulars of the ship

Name of ship

Distinctive number or letters

Port of registry

Date of registry

Gross tonnage¹

IMO number

Type of ship

Name and address of the shipowner²

.....
This is to certify, for the purposes of Standard A5.1.3, paragraph 7, of the Convention,
that:

- (a) this ship has been inspected, as far as reasonable and practicable, for the matters listed in Appendix A5-I to the Convention, taking into account verification of items under (b), (c) and (d) below;
- (b) the shipowner has demonstrated to the competent authority or recognized organization that the ship has adequate procedures to comply with the Convention;
- (c) the master is familiar with the requirements of the Convention and the responsibilities for implementation; and
- (d) relevant information has been submitted to the competent authority or recognized organization to produce a Declaration of Maritime Labour Compliance.

¹ For ships covered by the tonnage measurement interim scheme adopted by the IMO, the gross tonnage is that which is included in the REMARKS column of the International Tonnage Certificate (1969). See Article II(1)(c) of the Convention.

² *Shipowner* means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with this Convention, regardless of whether any other organizations or persons fulfil certain of the duties or responsibilities on behalf of the shipowner. See Article II(1)(j) of the Convention.

This Certificate is valid until subject to inspections in accordance with Standards A5.1.3 and A5.1.4.

Completion date of the inspection referred to under (a) above was

Issued at on

Signature of the duly authorized official
issuing the interim certificate

(Seal or stamp of issuing authority, as appropriate)

APPENDIX A5-III

General areas that are subject to a detailed inspection by an authorized officer in a port of a Member carrying out a port State inspection pursuant to Standard A5.2.1:

Minimum age

Medical certification

Qualifications of seafarers

Seafarers' employment agreements

Use of any licensed or certified or regulated private recruitment and placement service

Hours of work or rest

Manning levels for the ship

Accommodation

On-board recreational facilities

Food and catering

Health and safety and accident prevention

On-board medical care

On-board complaint procedures

Payment of wages

APPENDIX B5-I – EXAMPLE OF A NATIONAL DECLARATION

See Guideline B5.1.3, paragraph 5

Maritime Labour Convention, 2006
Declaration of Maritime Labour Compliance – Part I

*(Note: This Declaration must be attached
to the ship's Maritime Labour Certificate)*

Issued under the authority of: **The Ministry of Maritime Transport of XXXXX**

With respect to the provisions of the Maritime Labour Convention, 2006, the following referenced ship:

Name of ship	IMO number	Gross tonnage
M.S. EXAMPLE	12345	1,000

is maintained in accordance with Standard A5.1.3 of the Convention.

The undersigned declares, on behalf of the abovementioned competent authority, that:

- (a) the provisions of the Maritime Labour Convention are fully embodied in the national requirements referred to below;
- (b) these national requirements are contained in the national provisions referenced below; explanations concerning the content of those provisions are provided where necessary;
- (c) the details of any substantial equivalencies under Article VI, paragraphs 3 and 4, are provided <under the corresponding national requirement listed below> <in the section provided for this purpose below> *(strike out the statement which is not applicable)*;
- (d) any exemptions granted by the competent authority in accordance with Title 3 are clearly indicated in the section provided for this purpose below; and
- (e) any ship-type specific requirements under national legislation are also referenced under the requirements concerned.

1. Minimum age (Regulation 1.1)

Shipping Law, No. 123 of 1905, as amended ("Law"), Chapter X; Shipping Regulations ("Regulations"), 2006, Rules 1111-1222.

Minimum ages are those referred to in the Convention.

"Night" means 9 p.m. to 6 a.m. unless the Ministry of Maritime Transport ("Ministry") approves a different period.

Examples of hazardous work restricted to 18-year-olds or over are listed in Schedule A hereto. In the case of cargo ships, no one under 18 may work in the areas marked on the ship's plan (to be attached to this Declaration) as "hazardous area".

2. Medical certification (Regulation 1.2)

Law, Chapter XI; Regulations, Rules 1223-1233.

Medical certificates shall conform to the STCW requirements, where applicable; in other cases, the STCW requirements are applied with any necessary adjustments.

Qualified opticians on list approved by Ministry may issue certificates concerning eyesight.

Medical examinations follow the ILO/WHO Guidelines referred to in Guideline B1.2.1

.....
.....

EXAMPLE

Declaration of Maritime Labour Compliance – Part II*Measures adopted to ensure ongoing compliance
between inspections*

The following measures have been drawn up by the shipowner, named in the Maritime Labour Certificate to which this Declaration is attached, to ensure ongoing compliance between inspections:

(State below the measures drawn up to ensure compliance with each of the items in Part I)

1. Minimum age (Regulation 1.1)
*Date of birth of each seafarer is noted against his/her name on the crew list.
The list is checked at the beginning of each voyage by the master or officer acting on his or her behalf ("competent officer"), who records the date of such verification.
Each seafarer under 18 receives, at the time of engagement, a note prohibiting him/her from performing night work or the work specifically listed as hazardous (see Part I, section 1, above) and any other hazardous work, and requiring him/her to consult the competent officer in case of doubt. A copy of the note, with the seafarer's signature under "received and read", and the date of signature, is kept by the competent officer.*

2. Medical certification (Regulation 1.2)
*The medical certificates are kept in strict confidence by the competent officer, together with a list, prepared under the competent officer's responsibility and stating for each seafarer on board: the functions of the seafarer, the date of the current medical certificate(s) and the health status noted on the certificate concerned.
In any case of possible doubt as to whether the seafarer is medically fit for a particular function or functions, the competent officer consults the seafarer's doctor or another qualified practitioner and records a summary of the practitioner's conclusions, as well as the practitioner's name and telephone number and the date of the consultation.*

.....
.....

DODATEK A5-I

Delovni pogoji in življenjske razmere pomorščakov, nad katerimi mora opraviti nadzor in jih odobriti država zastave, preden se ladji izda spričevalo v skladu s prvim odstavkom standarda A 5.1.3:

minimalna starost

zdravniško spričevalo

kvalifikacije pomorščakov

pogodbe o zaposlitvi pomorščakov

uporaba zasebne službe, pooblašcene za zaposlovanje in nameščanje

delovni čas ali čas za počitek

število članov ladijske posadke

nastanitveni prostori

prostori za prosti čas na ladji

hrana in oskrba

varnost in zdravje ter preprečevanje nezgod

zdravstvena oskrba na ladji

postopek prijave na ladji

izplačilo plač

DODATEK A5-II**Spričevalo o delu v pomorstvu**

(opomba: spričevalu je priložena izjava o skladnosti dela v pomorstvu)

Izdano po določbah V. člena in 5. poglavja
Konvencije o delu v pomorstvu, 2006
(v nadaljnjem besedilu: konvencija)
v imenu vlade:

.....
(polno ime države, pod zastavo katere pluje ladja)

Izdal.....

(polno ime in naslov pristojnega organa ali priznane organizacije, pravilno pooblaščen po določbah konvencije)

Podatki o ladji

Ime ladje.....

Razpoznavne številke ali črke.....

Pristanišče vpisa.....

Datum vpisa.....

Bruto tonaža¹.....

Številka IMO.....

Tip ladje.....

Ime in naslov ladjarja².....

S tem se potrjuje:

1. da je bil na tej ladji opravljen nadzor ter je bila ugotovljena skladnost z zahtevami konvencije in določbami priložene izjave o skladnosti dela v pomorstvu;
2. da so delovni pogoji in življenjske razmere pomorščakov iz dodatka A5-I konvencije v skladu z omenjenimi notranjimi zahtevami države za izvajanje konvencije. Notranje zahteve so povzete v izjavi o skladnosti dela v pomorstvu, I. del.

To spričevalo velja do ob upoštevanju nadzorov iz standardov A 5.1.3 in A 5.1.4 konvencije.

¹ Za ladje, za katere se uporablja začasni sistem določitve tonaže, ki ga je sprejela IMO, je bruto tonaža tista, ki je vpisana v stolpcu OPOMBE Mednarodnega spričevala o tonaži (1969). Glej točko c prvega odstavka II. člena konvencije.

² *Ladjar* pomeni lastnika ladje ali drugo organizacijo ali osebo, kot je upravitelj, pooblaščenec ali zakupnik, ki je prevzel odgovornost za obratovanje ladje od lastnika in se je ob prevzemu te odgovornosti strinjal, da prevzame naloge in odgovornosti, ki so ladjarjem naložene s to konvencijo, ne glede na to, ali v imenu ladjarja izpolnjuje nekatere naloge ali odgovornosti katera druga organizacija ali oseba. Glej točko j prvega odstavka II. člena konvencije.

Spričevalo velja samo, če mu je priložena izjava o skladnosti dela v pomorstvu, izdana

v dne.....

Nadzor, na podlagi katerega je bilo izdano spričevalo, je bil opravljen dne

Izdano v..... dne

Podpis pravilno pooblaščenega uradnika, ki je izdal spričevalo
(pečat ali žig organa, ki je izdal spričevalo)

Potrditve o opravljenih obveznih vmesnih in dodatnih pregledih, če se zahtevajo

S tem se potrjuje, da je bil na ladji opravljen nadzor v skladu s standardoma A 5.1.3 in A 5.1.4 konvencije ter da so delovni pogoji in življenjske razmere pomorščakov iz dodatka A5-I konvencije v skladu z omenjenimi notranjimi zahtevami države za izvajanje konvencije.

Vmesni pregled:
(opravi se med drugim
in tretjim letom veljavnosti
spričevala)

Podpisal.....
(podpis pooblaščenega uradnika)

.....
Kraj
Datum
(pečat ali žig organa)

Dodatne potrditve (če se zahtevajo)

S tem se potrjuje, da je bil na ladji opravljen dodatni pregled, s katerim se ponovno preveri skladnost notranjih zahtev za izvajanje konvencije, kot se zahteva v tretjem odstavku standarda A 3.1 konvencije (ponovni vpis ali bistvena sprememba nastanitvenih prostorov), ali se opravi zaradi drugih razlogov.

Dodatni pregled:
(če se zahteva)

Podpisal.....
(podpis pooblaščenega uradnika)

.....
Kraj
Datum
(pečat ali žig organa)

Dodatni pregled:

Podpisal.....

(če se zahteva)

(podpis pooblaščenega uradnika)

.....

Kraj

Datum

(pečat ali žig organa)

Dodatni pregled:

(če se zahteva)

Podpisal.....

(podpis pooblaščenega uradnika)

.....

Kraj

Datum

(pečat ali žig organa)

Konvencija o delu v pomorstvu, 2006

Izjava o skladnosti dela v pomorstvu – I. del

*(opomba: izjava mora biti priložena spričevalu o delu v pomorstvu)*Izdana v imenu organa: *(ime pristojnega organa, določenega v točki a prvega odstavka II. člena konvencije)*

Ob upoštevanju določb Konvencije o delu v pomorstvu, 2006, je ladja:

ime ladje	številka IMO	bruto tonaža

vzdrževana v skladu s standardom A 5.1.3 konvencije.

- Podpisani v imenu omenjenega pristojnega organa izjavljam, da so:
- (a) določbe Konvencije o delu v pomorstvu v celoti vključene v notranje zahteve, navedene spodaj;
 - (b) notranje zahteve vključene v notranje določbe, navedene spodaj; pojasnitev vsebine teh določb se navede, kadar je potrebno;
 - (c) zagotovljene podrobnosti o vseh dejansko enakovrednih določbah po tretjem in četrtem odstavku VI. člena <v ustreznih notranjih zahtevah, navedenih spodaj> <v za to namenjenem razdelku spodaj> (neustrezno prečrtajte);
 - (d) vse izjeme, ki jih je odobril pristojni organ v skladu s 3. poglavjem, jasno navedene v za to namenjenem razdelku spodaj in
 - (e) tudi vse zahteve glede na poseben tip ladje po notranji zakonodaji omenjene v ustreznih zahtevah.

1. Minimalna starost (pravilo 1.1).....
2. Zdravniško spričevalo (pravilo 1.2).....
3. Kvalifikacije pomorščakov (pravilo 1.3).....
4. Pogodbe o zaposlitvi pomorščakov (pravilo 2.1)
5. Uporaba zasebne službe, pooblaščne za zaposlovanje in nameščanje (pravilo 1.4).....
6. Delovni čas ali čas za počitek (pravilo 2.3)
7. Število članov ladijske posadke (pravilo 2.7).....
8. Nastanitveni prostori (pravilo 3.1).....
9. Prostori za prosti čas na ladji (pravilo 3.1).....
10. Hrana in oskrba (pravilo 3.2).....
11. Varnost in zdravje ter preprečevanje nezgod (pravilo 4.3).....
12. Zdravstvena oskrba na ladji (pravilo 4.1).....
13. Postopek prijave na ladji (pravilo 5.1.5).....
14. Izplačilo plač (pravilo 2.2).....

Ime in priimek:.....
Naziv:
Podpis:
Kraj:
Datum:
(pečat ali žig organa)

Dejansko enakovredne določbe

(opomba: neustrezno prečrtajte)

Dejansko enakovredne določbe po tretjem in četrtem odstavku VI. člena konvencije, razen če niso navedene zgoraj, so *(po potrebi opišite)*:

.....
.....

Ni dejansko enakovrednih določb.

Ime in priimek:.....
Naziv:
Podpis:
Kraj:
Datum:
(pečat ali žig organa)

Izjeme

(opomba: neustrezno prečrtajte)

Izjeme, ki jih je odobril pristojni organ skladno s 3. poglavjem konvencije, so:

.....
.....

Ni odobrenih izjem.

Ime in priimek:.....
Naziv:
Podpis:
Kraj:
Datum:
(pečat ali žig organa)

Izjava o skladnosti dela v pomorstvu – II. del*Sprejeti ukrepi za zagotavljanje sprotne usklajenosti med nadzori*

Ladjar, naveden v spričevalu o delu v pomorstvu, ki mu je priložena ta izjava, je sprejel ukrepe za zagotovitev sprotne usklajenosti med nadzori:

(navedite sprejete ukrepe za zagotavljanje skladnosti z vsako posamezno točko iz I. dela)

- | | |
|---|--------------------------|
| 1. Minimalna starost (pravilo 1.1) | <input type="checkbox"/> |
| | |
| 2. Zdravniško spričevalo (pravilo 1.2) | <input type="checkbox"/> |
| | |
| 3. Kvalifikacije pomorščakov (pravilo 1.3) | <input type="checkbox"/> |
| | |
| 4. Pogodbe o zaposlitvi pomorščakov (pravilo 2.1) | <input type="checkbox"/> |
| | |
| 5. Uporaba zasebne službe, pooblaščne za zaposlovanje in nameščanje (pravilo 1.4) | <input type="checkbox"/> |
| | |
| 6. Delovni čas ali čas za počitek (pravilo 2.3) | <input type="checkbox"/> |
| | |
| 7. Število članov ladijske posadke (pravilo 2.7) | <input type="checkbox"/> |
| | |
| 8. Nastanitveni prostori (pravilo 3.1) | <input type="checkbox"/> |
| | |
| 9. Prostori za prosti čas na ladji (pravilo 3.1) | <input type="checkbox"/> |
| | |
| 10. Hrana in oskrba (pravilo 3.2) | <input type="checkbox"/> |
| | |
| 11. Varnost in zdravje ter preprečevanje nezgod (pravilo 4.3) | <input type="checkbox"/> |
| | |
| 12. Zdravstvena oskrba na ladji (pravilo 4.1) | <input type="checkbox"/> |
| | |
| 13. Postopek prijave na ladji (pravilo 5.1.5) | <input type="checkbox"/> |
| | |
| 14. Izplačilo plač (pravilo 2.2) | <input type="checkbox"/> |
| | |

Potrjujem, da so bili med nadzori sprejeti omenjeni ukrepi zaradi zagotavljanja sprotne usklajenosti z zahtevami, navedenimi v I. delu.

Ime ladjarja¹:.....
.....
Naslov podjetja:.....
.....
Ime in priimek pooblaščenega podpisnika:
.....
Naziv:.....
Podpis pooblaščenega podpisnika:
.....
Datum:
(pečat ali žig ladjarja¹)

Navedene ukrepe je pregledal (*vnesite ime pristojnega organa ali priznane organizacije*) ter po opravljenem nadzoru nad ladjo ugotovil, da so usklajeni s točko b desetega odstavka standarda A 5.1.3 v zvezi z ukrepi, ki zagotavljajo začetno in sprotno usklajenost z zahtevami, določenimi v I. delu te izjave.

Ime:.....
Naziv:.....
Naslov:.....
.....
.....
Podpis:.....
Kraj:.....
Datum:.....
(pečat ali žig organa)

¹ *Ladjar* pomeni lastnika ladje ali drugo organizacijo ali osebo, kot je upravitelj, pooblaščenec ali zakupnik, ki je prevzel odgovornost za obratovanje ladje od lastnika in se je ob prevzemu te odgovornosti strinjal, da prevzame naloge in odgovornosti, ki so ladjarjem naložene s to konvencijo, ne glede na to, ali v imenu ladjarja izpolnjuje nekatere naloge ali odgovornosti katera druga organizacija ali oseba. Glej točko j prvega odstavka II. člena konvencije.

Začasno spričevalo o delu v pomorstvu

Izdano po V. členu in 5. poglavju
Konvencije o delu v pomorstvu, 2006
(v nadaljnjem besedilu: konvencija)
v imenu vlade:

.....
(popolno ime države, pod zastavo katere pluje ladja)

izdal
(popolno ime in naslov pristojnega organa ali priznane organizacije, pravilno pooblaščen po določbah konvencije)

Podatki o ladji

Ime ladje.....

Razpoznavne številke ali črke.....

Pristanišče vpisa.....

Datum vpisa.....

Bruto tonaža¹.....

Številka IMO.....

Tip ladje.....

Ime in naslov ladjarja².....

.....

Za namene sedmega odstavka standarda A 5.1.3 konvencije se potrjuje, da:

- (a) je bil na ladji opravljen nadzor v obsegu, v katerem je to smiselno in izvedljivo, po posameznih področjih iz dodatka A5-I konvencije ob upoštevanju točk b, c in d spodaj;
- (b) je ladjar pristojnemu organu ali priznani organizaciji dokazal, da so na ladji na voljo ustrezni postopki za zagotavljanje skladnosti s to konvencijo;
- (c) je poveljnik seznanjen z zahtevami te konvencije in svojo odgovornostjo za njeno izvajanje in
- (d) so bile pristojnemu organu ali priznani organizaciji predložene ustrezne informacije za sestavo izjave o skladnosti dela v pomorstvu.

To spričevalo velja do na podlagi opravljenega nadzora v skladu s standardoma A 5.1.3 in A 5.1.4.

¹ Za ladje, za katere se uporablja začasni sistem določitve tonaže, ki ga je sprejela IMO, je bruto tonaža tista, ki je vpisana v stolpcu OPOMBE Mednarodnega spričevala o tonaži (1969). Glej točko c prvega odstavka II. člena konvencije.

² *Ladjar* pomeni lastnika ladje ali drugo organizacijo ali osebo, kot je upravitelj, pooblaščenec ali zakupnik, ki je prevzel odgovornost za obratovanje ladje od lastnika in se je ob prevzemu te odgovornosti strinjal, da prevzame naloge in odgovornosti, ki so ladjarjem naložene s to konvencijo, ne glede na to, ali v imenu ladjarja izpolnjuje nekatere naloge ali odgovornosti katera druga organizacija ali oseba. Glej točko j prvega odstavka II. člena konvencije.

Nadzor iz točke a je bil opravljen dne.....

Izdano v dne.....

Podpis pravilno pooblaščenega uradnika,
ki je izdal začasno spričevalo:.....

(pečat ali žig organa, ki je izdal spričevalo)

Dodatek A5-III

Splošna področja, ki jih pri podrobnem pregledu preverja pooblaščen uradnik v pristanišču članice, ki opravlja nadzor države pristanišča na podlagi določb standarda A 5.2.1:

minimalna starost

zdravniško spričevalo

kvalifikacije pomorščakov

pogodbe o zaposlitvi pomorščakov

uporaba zasebne službe, pooblaščene za zaposlovanje in nameščanje

delovni čas ali čas za počitek

število članov ladijske posadke

nastanitveni prostori

prostori za prosti čas na ladji

hrana in oskrba

varnost in zdravje ter preprečevanje nezgod

zdravstvena oskrba na ladji

postopek prijave na ladji

izplačilo plač

DODATEK B5-I – VZOREC IZJAVE DRŽAVE

Glej peti odstavek smernice B 5.1.3.

Konvencija o delu v pomorstvu, 2006

Izjava o skladnosti dela v pomorstvu – I. del

(opomba: izjava mora biti priložena spričevalu o delu v pomorstvu)

Izdalo: **Ministrstvo za pomorski promet Xxxxxx**

Ob upoštevanju določb Konvencije o delu v pomorstvu, 2006, je ladja:

ime ladje	številka IMO	bruto tonaža
M. L. PRIMER	12345	1000

vzdrževana v skladu s standardom A 5.1.3 konvencije.

Podpisani v imenu omenjenega pristojnega organa izjavljam, da so:

- (a) določbe Konvencije o delu v pomorstvu v celoti vključene v notranje zahteve, navedene spodaj;
- (b) notranje zahteve vključene v notranje določbe, navedene spodaj; pojasnitev vsebine teh določb se navede, kadar je potrebno;
- (c) zagotovljene podrobnosti o vseh dejansko enakovrednih določbah po tretjem in četrtem odstavku VI. člena <v ustreznih notranjih zahtevah, navedenih spodaj> <v za to namenjenem razdelku spodaj> *(neustrezno prečrtajte)*;
- (d) vse izjeme, ki jih je odobril pristojni organ v skladu s 3. poglavjem, jasno navedene v za to namenjenem razdelku spodaj in
- (e) tudi vse zahteve glede na poseben tip ladje po notranji zakonodaji omenjene v ustreznih zahtevah.

1. Minimalna starost (pravilo 1.1)

Pomorski zakonik, št. 123, 1905, kot je bil spremenjen ("zakon"), X. poglavje; Predpisi o pomorstvu ("predpisi"), 2006, pravila 1111–1222.

Minimalna starost je tista, ki je določena s konvencijo.

"Noč" pomeni obdobje od 21. do 6. ure, razen če Ministrstvo za pomorski promet ("ministrstvo") ne odobri drugačnega časovnega obdobja.

Primeri nevarnih del, ki jih lahko opravljajo osebe, stare 18 let ali več, so na seznamu A tega dokumenta. Na tovornih ladjah pomorščak, mlajši od 18 let, ne sme opravljati del na območjih, ki so v načrtu ladje (priložen tej izjavi) označena kot "nevarno območje".

2. Zdravniško spričevalo (pravilo 1.2)

Zakon, XI. poglavje; predpisi, pravila 1223–1233.

Zdravniška spričevala morajo biti v skladu z zahtevami STCW, kadar je primerno; v drugih primerih se zahteve STCW ustrezno prilagodijo.

Usposobljeni okulisti s seznama, ki ga odobri ministrstvo, lahko izda spričevalo o vidu.

Zdravstveni pregledi se opravijo v skladu s smernicami MOD/WHO iz smernice B 1.2.1.

.....
.....

VZORNEC

Izjava o skladnosti dela v pomorstvu – II. del*Sprejeti ukrepi za zagotavljanje sprotne usklajenosti med nadzori*

Ladjar, naveden v spričevalu o delu v pomorstvu, ki mu je priložena ta izjava, je pripravil ukrepe za zagotovitev sprotne usklajenosti med nadzori:

(navedite sprejete ukrepe za zagotavljanje skladnosti z vsako posamezno točko iz I. dela)

1. Minimalna starost (pravilo 1.1)

Na seznamu posadke se poleg imena in priimka vsakega pomorščaka vpiše datum rojstva.

Na začetku vsakega potovanja poveljnik ali častnik, ki dela v njegovem imenu ("pristojni častnik"), preveri seznam in datum preverjanja vnese v evidenco.

Vsakega pomorščaka, mlajšega od 18 let, je treba ob zaposlitvi na ladji pisno obvestiti o prepovedi opravljanja nočnega dela ali del, uvrščenih na seznam nevarnih del (glej 1. točko I. dela, navedeno zgoraj), in vseh drugih nevarnih del; ob dvomu se lahko posvetuje s pristojnim častnikom. Pristojni častnik hrani izvod pisnega obvestila s podpisom pomorščaka pod "prejel in prebral" ter datumom podpisa.

2. Zdravniško spričevalo (pravilo 1.2)

Pristojni častnik hrani zdravniška spričevala kot strogo zaupne dokumente skupaj s seznamom, ki ga mora sestaviti, v katerem so za vsakega pomorščaka na ladji navedeni: naloge, datum veljavnega zdravniškega spričevala in zdravstveno stanje, ki je vpisano v spričevalu.

Ob morebitnem dvomu, ali je pomorščak zdravstveno sposoben za opravljanje posamezne naloge ali nalog, se pristojni častnik posvetuje z zdravnikom pomorščaka ali drugim usposobljenim strokovnjakom ter vnese povzetek njegovega mnenja, njegovo ime in priimek, telefonsko številko in datum posvetovanja.

.....
.....

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organization during its Ninety-fourth Session which was held at Geneva and declared closed the 23 February 2006.

IN FAITH WHEREOF we have appended our signatures this twenty-third day of February 2006.

The President of the Conference,
JEAN-MARC SCHINDLER

The Director-General of the International Labour Office,
JUAN SOMAVIA

Zgornje besedilo je verodostojno besedilo konvencije, ki jo je pravilno sprejela Generalna konferenca Mednarodne organizacije dela na svojem štiriindevetdesetem zasedanju, ki je bilo v Ženevi in se je končalo 23. februarja 2006.

V POTRDITEV TEGA sva to podpisala triindvajsetega februarja 2006.

Predsednik konference
JEAN-MARC SCHINDLER

Generalni direktor Mednarodnega urada za delo
JUAN SOMAVIA

3. člen

Republika Slovenija ob deponiranju listine o ratifikaciji izjavi, da bo v skladu z drugim odstavkom Standarda A 4.5 konvencije in v povezavi z desetim odstavkom standarda pomorščakom zagotovila socialno varnost na področju zdravstvene oskrbe, nadomestila za čas bolezni in nadomestila za poškodbo pri delu.

4. člen

Za izvajanje konvencije skrbijo ministrstvo, pristojno za delo in socialne zadeve, ministrstvo, pristojno za pomorstvo, ministrstvo, pristojno za zdravje in ministrstvo, pristojno za finance, in sicer:

- ukrepe iz tretjega in petega odstavka II. člena konvencije izvaja Uprava Republike Slovenije za pomorstvo (v nadaljnjem besedilu: uprava),
- ukrepe iz pravila 1.4 konvencije izvaja ministrstvo, pristojno za delo, v sodelovanju z ministrstvom, pristojnim za pomorstvo, in z upravo,
- ukrepe iz 3. poglavja izvaja ministrstvo, pristojno za pomorstvo, v sodelovanju z ministrstvom, pristojnim za delo in socialne zadeve, ter ministrstvom, pristojnim za zdravje,
- ukrepe iz 4. poglavja izvaja ministrstvo, pristojno za delo, in ministrstvo, pristojno za zdravje, v sodelovanju z ministrstvom, pristojnim za pomorstvo, razen ukrepov iz pravila 4.4, ki jih izvaja ministrstvo, pristojno za pomorstvo,
- ukrepe iz drugega odstavka pravila 5.1.1 konvencije izvaja pomorski inšpektor in inšpektor za delo,
- ukrepe iz tretjega odstavka pravila 5.1.1 konvencije izvaja pooblaščen klasifikacijski zavod,
- obveznosti poročanja iz konvencije izvaja ministrstvo, pristojno za delo.

5. člen

Ta zakon začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 326-04/16-1/9
Ljubljana, dne 26. januarja 2016
EPA 999-VII

Državni zbor
Republike Slovenije
dr. Milan Brglez i.r.
Predsednik

VSEBINA

6.	Zakon o ratifikaciji Sporazuma o skupnem zračnem prostoru med Evropsko unijo in njenimi državami članicami ter Republiko Moldavijo (MSZPEUMD)	9
7.	Zakon o ratifikaciji Konzorcijskega sporazuma Elixir o ustanovitvi Evropske infrastrukture za vede o življenju in biološke informacije (ELIXIR) (MSŽBI)	10
8.	Zakon o ratifikaciji Meterske konvencije (MMK)	39
9.	Zakon o ratifikaciji Konvencije o delu v pomorstvu, 2006 (Konvencija MOD št. 186) (MKDP)	46

