

The logo of the Maritime Transport Agency of Georgia is a circular emblem. It features a central anchor with a rope coiled around it. The anchor is set against a background of a stylized map of Georgia. The emblem is surrounded by a blue border containing text in Georgian and English. The Georgian text at the top reads "საზღვაო ტრანსპორტის სამსახური" and the English text at the bottom reads "MARITIME TRANSPORT AGENCY".

# MLC 2006 ratification in partners' countries, a work in progress: Georgia

**LEPL MARITIME TRANSPORT AGENCY OF THE MINISTRY OF ECONOMY & SUSTAINABLE DEVELOPMENT OF GEORGIA**

**PRESENTED BY**

***IVANE ABASHIDZE (LL.M. IMO IMLI)***

***ACTING DEPUTY DIRECTOR OF MTA***

***HEAD OF LEGAL & INTERNATIONAL RELATIONS DEPARTMENT***

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# Status of International Treaty of Georgia and the Procedures for Ratification/Accession

- Under the constitutional rules of Georgia, international treaty of Georgia shall be directly applicable and binding upon the domestic courts and citizens upon ratification. International Treaty of Georgia constitutes part of Georgian legislation and is the subject to publication.
- Under the Law of Georgia on International Treaties of Georgia Ministry of Economy and Sustainable Development/Ministry of Foreign Affairs is entitled to formally initiate the process of adhering to international treaty concerning, inter alia, maritime transport;
- The initiative may be based on the recommendation from the MTA;✚
- The initiative shall be discussed with relevant Ministries (necessarily with the Ministry of Justice, Ministry of Finance and Ministry of foreign Affairs) and shall be submitted to the Parliament of Georgia for approval or ratification (the cases of compulsory ratification are defined under the Constitution (art. 65) and Law of Georgia on International Treaties of Georgia (art. 14)). Minor exception applies to the Amendments without tacit acceptance procedure – President and the Prime minister shall *contra signare* each others decision
- As mentioned above, if the implementation of an international treaty requires adoption of laws and/or by-laws the package of relevant laws/by-laws or amendments therein shall be submitted for approval/adoption all together.

# General overview of Maritime Affairs Administration in Georgia - *Maritime Transport Agency of Georgia (MTA)*



## **Goals:**

- Ensure maritime safety & security in Georgian ports and territorial sea as well as for the ships flying Georgian Flag
- Facilitate maritime transport operations
- Introduction of international standards in maritime transport field

## **Functions:**

- Technical supervision of maritime transport
- Ships registration and FSI
- Ensuring of proper functioning of the Training and Certification system of Seafarers
- Maintenance of Port State Control
- Coordination of Search and Rescue Operations
- Law-making
- Maintenance of Quality Management System in accordance with the ISO 9001:2008



# General overview of Maritime Affairs Administration in Georgia - *Maritime Legislation*

The following Laws regulate maritime affairs in Georgia:

- ✓ Law of Georgia on Management and Regulation of the Field of transport
- ✓ Maritime Code of Georgia
- ✓ Law of Georgia on Sea Rescue Service
- ✓ Law of Georgia on Education and Certification of Seafarers
- ✓ Law of Georgia on Education and Certification of Fisher-men
- ✓ Law of Georgia on the Maritime Zones



# Labour System and its foundations in Georgia

- Constitution of Georgia states that for those issues exclusively and directly referred in the basic law organic laws shall be adopted
- Therefore, as far as labour issues are directly referred in the text of Constitution, Organic Law of Georgia Labour Code of Georgia has been adopted (17/12/2010 – Latest Law), with major amendments on 12/06/2013
- Georgia is a party to following Fundamental ILO Conventions:

Convention	Date
<a href="#">C029 - Forced Labour Convention, 1930 (No. 29)</a>	22 Jun 1993
<a href="#">C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)</a>	03 Aug 1999
<a href="#">C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)</a>	22 Jun 1993
<a href="#">C100 - Equal Remuneration Convention, 1951 (No. 100)</a>	22 Jun 1993
<a href="#">C105 - Abolition of Forced Labour Convention, 1957 (No. 105)</a>	23 Sep 1996
<a href="#">C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)</a>	22 Jun 1993
<a href="#">C138 - Minimum Age Convention, 1973 (No. 138)</a> Minimum age specified: 15 years	23 Sep 1996
<a href="#">C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)</a>	24 Jul 2002

# AA Agreement with EU & TRACECA Support

- In June 2014 the EU and Georgia signed an unprecedented Association Agreement, which includes a Deep and Comprehensive Free Trade Area (AA/DCFTA). The Agreement significantly deepens political and economic ties with the EU in the framework of the Eastern Partnership. An EU-Georgia Association Agenda was also agreed in June to help implement the AA/DCFTA through joint priorities for 2014-2016.
- AA includes 3 directives affecting MLC issues:
  - Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels
  - Council Directive 1999/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST) – Annex: European Agreement on the organisation of working time of seafarers
  - Directive 1999/95/EC of the European Parliament and of the Council of 13 December 1999 concerning the enforcement of provisions in respect of seafarers' hours of work on board ships calling at Community ports

# AA Agreement with EU & TRACECA II Support

- Within the frames of TRACECA Maritime Safety and Security II Project European commission by the request of MTA allocated funds to implement MLC 2006 Project in Georgia - The contract for the services of Desmond Howell as an expert for the implementation of the MLC in Georgia was signed in April 2014.
- Following to the key meetings held in 2014 in Georgia in regards MLC 2006 project, 1<sup>st</sup> Tripartite Meeting and Consultations were held in March, 2015
- Gap analyses elaborated by project expert was submitted to MLC stakeholders for farther review and comments.
- Tripartite Consultation was attended by the Representatives of the Government of Georgia, Shipowners and the Trade Unions.



# Current Status of Seafarers Labour rights in Georgia

## Extract from Gap Analyses:

“The Labour Code is expressed as having application “throughout the territory of Georgia”. It is a general norm of international law that ships are not considered “territory” of the flag state but they are always subject to the applicable laws of the flag state, as well as the parallel jurisdiction of coastal states when in the territory of a coastal state. Hence it appears that the Labour Code, in itself, may not apply to Georgian ships when outside the territorial waters of Georgia. However Article 65 of the Maritime Code modifies this and says:

### *Article 65*

*The rules relating to employment (acceptance/discharge), rights and obligations of the employee, conditions of work on board, salary, social security is to be determined by the Georgian labour legislation, the maritime code, disciplinarily charter and employment contract.*

This would seem to apply the Labour Code to ships, to the extent that the Maritime Code also clearly applies to Georgian ships and the Maritime Code says:

### *Article 2.*

*The scope of the Code covers the marine ships while sailing on seaways and also on rivers, lakes, reservoirs and other waterways, unless otherwise stipulated by special law or international treaty of Georgia.”*

# Current Status of Seafarers Labour rights in Georgia

- Article 1 of the Labour Code defines that

“1. This Law regulates labour and its concomitant relations in the territory of Georgia, unless they are otherwise governed by other special law or international agreements of Georgia.”

Therefore in order to avoid unwanted interference with the politically sensitive document, it was decided to elaborate draft law specifically governing the Seafarers employment rights – Seafarers Employment Code.



# The results of tripartite Stakeholders Meeting

- New Seafarers Employment Code – no interference with Labour Code of Georgia
- Technical Requirements will be included in the Maritime Code of Georgia
- The definition of Seafarer and the Shipowner will be included in Seafarers Employment Code, in a manner that critical definitions of Maritime Code will not be affected
- Definition of Night Work will be included in the New Code, however special references will be given in regards other legislation of Georgia on Hazardous work
- Licensing of Crewing Services and appropriate requirements will be provided in new Code
- The general approach will be regulation of hours of rest
- Requirements for crew accommodation will be included in Maritime Code, which should require ships to meet ILO 92/133 Standard with some permanent exemptions on certain issues
- Training and Certification of cooks will be retained in the New Seafarers Code
- Title 4 provisions will be included in New Code and the hospital and medical stores requirements will be included in Maritime Code. Certain amendments will be necessary to Seafarers Education and Certification Law to remove possibility for Georgian ship to not have a medically trained person
- Amend the Maritime Code to include MLC certification and powers for inspectors and system of complaints.

# Conclusions

- Formal initiation date for ratification of MLC 2006 is not yet decided
- However, the Government of Georgia is aware of importance of this Convention
- Maritime Transport Agency of Georgia will start formal procedures as soon as draft Legislation is prepared



The logo of the LEPL Maritime Transport Agency is a circular emblem. It features a blue outer ring with the agency's name in Georgian script at the top and 'MARITIME TRANSPORT AGENCY' in English at the bottom. Inside the ring, there is a red and white stylized figure of a person holding a large anchor. The figure is set against a background of a red and white striped pattern.

# Thank You

Questions?

**LEPL MARITIME TRANSPORT AGENCY**

Ministry of Economy and Sustainable  
Development of Georgia

23 Ninoshvili Str., Batumi 6000, Georgia

MTA Building

Tel: +995 422 274926

Fax: +995 422 273929

E-mail: [info@mta.gov.ge](mailto:info@mta.gov.ge)

Web: [www.mta.gov.ge](http://www.mta.gov.ge)