

Rolf Gotare, 011-19 10 00

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Regeringskansliet
Näringsdepartementet
ILO-kommittén
103 33 Stockholm

2002 års rapportering om tillämpningen av ratificerade ILO-konventioner.

Återkommande till er skrivelse 2002-06-27 i vilken ni anmodade Sjöfartsverket att lämna underlag för rapportering till ILO om tillämpning av ett antal konventioner, översändes bifogat Sjöfartsverkets förslag till rapporter för följande konventioner:

Konventionen (138) om minimiålder, 1973

Konventionen (164) om hälso- och sjukvård för sjömän, 1987

Konventionen (178) om tillsyn av sjömäns arbets- och levnadsförhållanden, 1996

Konventionen (92) om besättningens bostäder, 1949

Konventionen (133) om besättningens bostäder (tilläggsbestämmelser), 1970

Konventionen (146) om semester för sjöfolk, 1976

Med vänlig hälsning

Per Nordström
Stf. sjösäkerhetsdirektör

2002-08-29

0506-02-16861

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Sjöfartsverkets förslag till rapport om tillämpningen av ILO-konventionen nr 138 (sjöfartssektorn)

Maritime sector

This part of the report covers the period 1 July 2000 to 30 June 2002.

I LIST OF LAWS AND REGULATIONS

Reference is made to the report for the period 1 July 1994 – 30 June 2000.

Addendum:

- The Merchant Seamen's Act (sjömanslagen, SFS 1973:282), as amended (App. 1).

II INDICATIONS IN DETAIL FOR EACH OF THE FOLLOWING ARTICLES OF THE CONVENTION

Reference is made to the report for the period 1996/2000.

Addendum:

Article 2: In order to make ratification of Convention 180 possible the Merchant Seamen Act (1973:282) has been amended as to comply with article 12 of that Convention.

The amendment implies that the "minimum age of 16 years shall have been reached" replace the previous requirement " during the calendar year reaching the age of 16".

V Statistical data on the employment of children

Reference is made to the report for the period 1996/2000

Year	2000	2001
15 years	4	3
16 years	38	15
17 years	69	79
18 years	143	182

Sjöfartsverkets förslag till rapport om tillämpningen av ILO- konventionen nr 164

REPORT

For the period 1 July 1999 to 30 June 2002 on the
Health Protection and Medical Care (Seafarers) Convention, 1987 (No 164)
(Ratification registered on 21 February, 1990)

QUESTION 1. LIST OF LAWS AND REGULATIONS

Reference is made to the report for the period 1 July 1992 - 30 June 1999.

Addendum:

The Ordinance of The Swedish Maritime Administration (SJÖFS 1994:6) concerning medical care and medicine chests on board ships (Sjöfartsverkets kungörelse SJÖFS 1994:6 med föreskrifter och allmänna råd om sjukvård och apotek på fartyg) has been replaced by SJÖFS 2000:21. The new ordinance, which has the same name, came into force on 1 January 2001. (App. 1).

The Ordinance of The Swedish Maritime Administration (SJÖFS 1982:46) containing provisions and general recommendations on competency of seafarers has been replaced by SJÖFS 2000:1. The new ordinance, which has the same name, came into force on 4 March 2000. (App. 2).

QUESTION II. INDICATIONS IN DETAIL FOR EACH OF THE FOLLOWING ARTICLES OF THE CONVENTION

Reference is made to the report for the period 1992/99.

Addendum:

- Art. 1, Par. 2 and 3): What is said in the previous report still holds true, if the references to The Proclamation and General Recommendations (SJÖFS 1994:6) of The Maritime Administration concerning medical care and medicine chests on board ships is changed to SJÖFS 2000:21 with the same name.

- Art. 4 (a) and (b)): Questions concerning medical care on board ships, including ship' medicine chests (and the duty to carry them on board), are now regulated by the Proclamation and General Recommendations (SJÖFS 2000:21) concerning medical care and medicine chests on board ships.

Art. 4 (e)): As been mentioned in the previous report the parties of the shipping labour market have entered into a new Work Environment Agreement. That agreement came into force on 1 September 1995. As regards the **direct request** from the Committee on this matter, it can thus be said that training of ratings in this respect is arranged and conducted by the Swedish Trade Union Confederation (SEKO-Sjöfolk). For officers the training forms part of the academically education.

Art. 5, Par. 1 and 2): Specific rules about medicine chests are now given in Chapter 5 of the above mentioned SJÖFS 2000:21. The rules are applicable to all Swedish merchant ships and fishing vessels

Art. 5, Par. 3): The list mentioned in the last report is now found in SJÖFS 2000:21 (Appendix A).

Art. 5, Par. 4): The requirement of yearly maintenance and inspection is now covered by SJÖFS 2000:21, Chapter 8.

Art. 5, Par. 6): The previous report still holds well.

Art. 6, Par. 1-2): The previous report still holds well if reference is made to SJÖFS 2000:21.

Art. 9, Par. 2-6): The requirements regarding the competency of personnel in charge of medical care and Medical First Aid are to be found in SJÖFS 2000:21 Chapter 2 para.7 with a reference to The Ordinance (SJÖFS 2000:1) concerning Competency of Seafarers Chapter 6 par: 6 and 7.

The time interval for refresher courses is five years.

Art. 11): The stipulations regarding hospital accommodation are now to be found in Chapter 4 of SJÖFS 2000:21. They have to some extent been modified but they still live up to the requirements of the convention.

Art. 13 Par., 2 (a) and (d) and Par. 3 (direct request) : Sweden has ratified the 1979 International Convention on Marine Search and Rescue with the 1997 amendments, which came into force 1 January 2000. In addition to those states mentioned in the previous report Sweden has also entered into a bilateral agreement on Aeronautical and Marine Search and Rescue Co-operation with Lithuania. At present, negotiations are still taking place with Estonia, Denmark and Norway to conclude such agreements with these states as well.

QUESTION III. AUTHORITIES TO WHICH APPLICATION IS ENTRUSTED AND METHODS OF SUPERVISION

Reference is made to the previous report

QUESTION IV. DECISIONS

As far as is known, no court decisions involving questions of principle relating to the application of the Convention have been made during the period of this report.

QUESTION V. GENERAL APPRECIATION

Nothing to report

QUESTION VI. COMMUNICATION TO REPRESENTATIVE ORGANISATIONS; OBSERVATIONS RECEIVED

This report has been communicated to the following organisations of employers and employees:

- 1) Svenska Arbetsgivareföreningen (the Swedish Employers' Confederation),
- 2) Landsorganisationen i Sverige (the Swedish Confederation of Trade Unions),
- 3) Tjänstemännens Centralorganisation (the Swedish Central Organisation of Salaried Employees).

Sjöfartsverkets förslag till rapport om tillämpningen av ILO- konventionen nr 178

REPORT

For the period ending 30 June 2002 on the
Labour Inspection (Seafarers) Convention. 1996
(No.178)
(ratification registered on 15 December, 2000)

QUESTION 1. LIST OF LAWS AND REGULATIONS

The Ship Safety Act (1988:49 fartygssäkerhetslag), as amended
App.5 to report on Convention 147 2000.

The Ship Safety Ordinance (1988:594, fartygssäkerhetsförordning),
as amended App. 6 to report on convention 147 2000.

Supervision of Ships and Companies Safety Management System
(SJÖFS 1999:17 Sjöfartsverkets föreskrifter om tillsyn av fartyg och rederiers
säkerhetsorganisation) app.1

The Swedish Maritime Administration Annual Report 2001 app.2

QUESTION II. INDICATIONS IN DETAIL FOR EACH OF THE FOLLOWING ARTICLES OF THE CONVENTION

Article 1

1. According to the Ship Safety Act (1988:49) Chapt.1 para.1 all Swedish registered
vessels are affected by the Swedish regulations giving effect to the Convention.

No measures have been taken to exclude small vessels from the purview of the
Convention. The Ship Safety Act (1988:49) applies to all ships regardless of size, but some
provisions are applicable only to ships with a gross tonnage of at least 20 or only to ships
carrying more than 12 passengers, respectively.

The Provisions concerning Safety Representatives (skyddsombud) apply to ships with a
crew of at least 5 persons, and the Provisions concerning a Safety Committee
(skyddskommitté) apply to ships with a crew of normally at least 12 persons.

It has been delegated to the Swedish Maritime Administration to give provisions in many
respects. Such provisions can also contain limitations in order to exclude small vessels
from the application, but not contrary to international conventions ratified by Sweden.

General safety requirements have to be satisfied even on board the smallest vessels.

For vessels of 500 tonnage or more inspection and approval of working- and living

conditions are prerequisites for obtaining an equipment certificate (utrustningscertifikat) (SJÖFS 1999:17 annex 3 pages 27-28).

2. Seagoing ships: Regarding inspections on working- and living conditions no special decisions or enactments have been made on account of the distinction made in the Convention. In Swedish law, ships are classified mainly with reference to tonnage and geographical range. Insofar as legislation refers to international conventions, it follows the size categories and any other criteria indicated in the implementing instructions for the convention concerned. No special decisions have been made concerning particular structures, e.g. oil rigs. In Swedish legal practice, structures of this kind are included in the purview of maritime safety legislation if they can be deemed to be ships and are used for shipping.

3. Sea-going tugs are included in the Proclamation (SJÖFS 1983:12) on Manning Regulations for Certain Merchant Ships and are also covered by the Ship Safety Act according to para.1.

4. Swedish regulations are always referred to all affected parties for consideration.

5-6. In addition to what is mentioned in (4) the requirements of the Convention have also been referred for consideration to the National Board of Fisheries (Fiskeriverket) and the Swedish Fishermen's Association (Sveriges Fiskares Riksförbund).

Inspections are also carried out on Swedish fishing vessels as appropriate depending on vessels size and trade area.

7(d) see p.4. The definition of seafarer is to be found in Ship Safety Act (1988:49) Chapt.1 para.3.

Part II. Organization of inspections

The Swedish Maritime Administration is the supervisory authority responsible. The Administration includes a department, the Maritime Safety Inspectorate, which is more closely concerned with inspections. This department is based within the head office of the Administration in Norrköping. The regional administration is divided into five inspectorate areas covering all parts of Sweden. Swedish vessels seldom or perhaps never calling at Swedish ports can be reached by the Administration's Rotterdam Inspection Office and through Swedish embassies and consulates, some of which have been specially appointed to handle shipping questions. Inspection procedures on board ship nowadays are often so complicated that there is an increasingly predominant tendency for Swedish ship's surveyors to be sent out to conduct inspections abroad.

The Swedish Maritime Inspectorate is maintaining a computerised Ship Supervision System (Fartygstillsynssystem FTS) covering all Swedish registered vessels. An extract of

the content of the system for every individual vessel can be found in SJÖFS 1999:17 annex 4 pages 35-38. As mentioned under (I.1) a ship equipment certificate also requires inspection of working and living condition.

3. Periodic inspections, including among others working and living conditions, are carried out by inspectors from the inspectorate areas and there are no other organizations authorized to carry out inspections or surveys in this respect.

Article 3

1. All vessels are inspected or surveyed once a year. The content of the inspections is listed in SJÖFS 1999:17 annex 3. See also Ships Safety Act Chapt.10 para.8.

Additional requirements regarding working and living conditions are to be found in the same Act Chapt. 6-9.

2. The authority of the ships safety representative is regulated in the Ships Safety Act Chapt. 9 and the Ships Safety Ordinance Chapt. 6.

Following a complaint the vessel is inspected by the Safety Maritime Inspectorate in the next Swedish port of call. The Inspectorate can also require a port state to carry out a port state control if it consider it necessary and the ships next port of call is outside Sweden.

3. The requirement of inspection within three months after changes in construction or accommodation is regulated in the Ships Safety Act Chapt. 10 para.7.

Article 4

The Swedish Maritime Inspectorate employs a total of 52 inspectors. The inspectors have competencies as Master Mariners, Chief Engineers and Naval Architects and are carrying out all kinds of inspections and surveys in accordance with their competencies and backgrounds. Newly employed inspectors are also undergoing an initial training and working under supervision of an experienced surveyor. All inspectors are continuously trained and upgraded with regard to international and national requirements.

Article 5

1. All inspectors are, as mentioned earlier, employed by the Swedish Maritime Inspectorate implying that they are independent of changes of government.
2. a-c) The status and conditions of service of the inspectors are regulated in the Ships Safety Act Chapt.10 paras. 10 - 14.
d) The grounds for the detention of a ship are regulated in the Ships Safety Act Chapt. 11.

Article 6

1. The requirement of avoiding undue delay is stated in Chapt.10 para 10.
2. In case of a detention the decision can be appealed against and the court decides the question of compensation for the shipowner.

Article 7

1. Penalties, mostly in form of fines, are regulated in the Ships Safety Act Chapt. 12.
3. If a deficiency, found during inspection, does not pose danger to the ship, crew or marine environment, the shipowner is imposed to rectify the deficiency within a specified period of time. Such deficiencies are registered in the Ships Supervision System (see Part II 2.2) and are looked after and controlled by the system.

Part IV. Reports

Article 8

1. All inspections and surveys are registered in the Ships Supervision System (Part II 2.2).
2. An annual report covering the year 2001 is attached to this report as app.2. Inspection activities are covered on pages 20 - 21.

Article 9

1. All reports are registered in the Ships Supervision System in full text. The report has to be signed by the master who receives one copy. Another copy is handed over to the ships safety representative.
2. The initial report is written onboard as it has to be signed by the master.

QUESTION III. AUTHORITIES TO WHICH APPLICATION IS ENTRUSTED AND METHODS OF SUPERVISION

The application of the Convention is entrusted to the Swedish Maritime Administration and the supervision regarding observance of the requirements is carried out by the Maritime Safety Inspectorate as a body within the Administration.

QUESTION IV. DECISIONS

As far as is known, no court decisions involving questions of principle relating to the application of the Convention have been made since the ratification of the convention.

QUESTION V. GENERAL APPRECIATION

Nothing to report

QUESTION VI. COMMUNICATION TO REPRESENTATIVE ORGANISATIONS;
OBSERVATIONS RECEIVED

This report has been communicated to the following organisations of employers and employees:

Sjöfartsverkets förslag till rapport om tillämpningen av ILO-konventionen nr 92 (rev.)

REPORT

For the period 1 July 1998 to 30 June 2002 on the Accommodation of Crews Convention (Revised). 1949 (No. 92) (ratification registered on 18 July, 1950)

QUESTION 1. LIST OF LAWS AND REGULATIONS

Reference is made to the report for the period 1 July 1993 - 30 June 1998.

Addendum:

The Ordinance of The Swedish Maritime Administration (SJÖFS 1994:6) concerning medical care and medicine chests on board ships (Sjöfartsverkets kungörelse SJÖFS 1994:6 med föreskrifter och allmänna råd om sjukvård och apotek på fartyg) has been replaced by SJÖFS 2000:21. The new ordinance, which has the same name, came into force on 1 January 2001. See App. 1 to the report (2002) on Convention No 164.

QUESTION II. INDICATIONS IN DETAIL FOR EACH OF THE FOLLOWING ARTICLES OF THE CONVENTION

Reference is made to the report for the period 1993/98.

Addendum:

What is said in the previous report is still relevant, if the references to The Proclamation and General Recommendations (SJÖFS 1994:6) of the Swedish Maritime Administration concerning medical care and medicine chests on board ships is changed to SJÖFS 2000:21 with the same name.

The stipulations regarding hospital accommodation are now to be found in Chapter 4 of SJÖFS 2000:21. They have to some extent been modified but they still live up to the requirements of the convention.

QUESTION III. AUTHORITIES TO WHICH APPLICATION IS ENTRUSTED AND METHODS OF SUPERVISION

Reference is made to the previous report

QUESTION IV. DECISIONS

As far as is known, no court decisions involving questions of principle relating to the application of the Convention have been made during the period of this report.

QUESTION V. GENERAL APPRECIATION

Nothing to report

QUESTION VI. COMMUNICATION TO REPRESENTATIVE ORGANISATIONS; OBSERVATIONS RECEIVED

This report has been communicated to the following organisations of employers and employees:

Sjöfartsverkets förslag till rapport om tillämpningen av ILO- konventionen nr 133

REPORT

For the period 1 July 1998 to 30 June 2002 on the
Accommodation of Crews (supplementary provisions) Convention. 1970
(No.133)
(ratification registered on 17 February, 1972)

QUESTION 1. LIST OF LAWS AND REGULATIONS

Addendum

Reference is made to the report for the period 1 July 1995 - 30 May 1998.

The Ordinance of The Swedish Maritime Administration (SJÖFS 1994:6) concerning medical care and medicine chests on board ships (Sjöfartsverkets kungörelse SJÖFS 1994:6 med föreskrifter och allmänna råd om sjukvård och apotek på fartyg) has been replaced by SJÖFS 2000:21

The new ordinance, which has the same name, came into force on 1 January 2001. See App. 1 to the report (2002) on Convention No 164.

QUESTION II. INDICATIONS IN DETAIL FOR EACH OF THE FOLLOWING ARTICLES OF THE CONVENTION

Reference is made to the report for the period 1995/98.

Addendum:

What is said in the previous report still holds true, if the references to The Proclamation and General Recommendations (SJÖFS 1994:6) of The Maritime Administration concerning medical care and medicine chests on board ships is changed to SJÖFS 2000:21 with the same name.

The stipulations regarding hospital accommodation are now to be found in Chapter 4 of SJÖFS 2000:21. They have to some extent been modified but they still live up to the requirements of the convention.

QUESTION III. AUTHORITIES TO WHICH APPLICATION IS ENTRUSTED AND METHODS OF SUPERVISION

Reference is made to the previous report

QUESTION IV. DECISIONS

As far as is known, no court decisions involving questions of principle relating to the application of the Convention have been made during the period of this report.

QUESTION V. GENERAL APPRECIATION

Nothing to report

QUESTION VI. COMMUNICATION TO REPRESENTATIVE ORGANISATIONS; OBSERVATIONS RECEIVED

This report has been communicated to the following organisations of employers and employees:

Sjöfartsverkets förslag till rapport om tillämpningen av ILO- konventionen nr 146

REPORT

For the period 1 July 1998 to 30 June 2002

Seafarers' Annual Leave with Pay Convention, 1976 (No.146)

(ratification registered on 7 June 1978)

QUESTION 1. LIST OF LAWS AND REGULATIONS

Addendum

Reference is made to the report for the period 1 July 1992 - 30 June 1997

Extracts from Collective bargaining regarding Seafarers Leave with pay between the Swedish Shipowners Association and:

The Swedish Ship Officers Association (masters)	app.1
The Swedish Ship Officers Association (general)	app.2
The Merchant Marine Officers Association	app.3
SEKO Seafarers Branch	app.4

QUESTION II. INDICATIONS IN DETAIL FOR EACH OF THE FOLLOWING ARTICLES OF THE CONVENTION

Reference is made to the report for the period 1995/98.

Addendum:

What is said in the previous report still holds true. As the Annual Leave Act (1977:480) - app. 1 to the previous report- is of optional nature, the social partners have entered into agreements in form of collective bargainings as stated in app. 1-4 attached to this report.

QUESTION III. AUTHORITIES TO WHICH APPLICATION IS ENTRUSTED AND METHODS OF SUPERVISION

Reference is made to the previous report

QUESTION IV. DECISIONS

As far as is known, no court decisions involving questions of principle relating to the application of the Convention have been made during the period of this report.

QUESTION V. GENERAL APPRECIATION

Nothing to report

QUESTION VI. COMMUNICATION TO REPRESENTATIVE ORGANISATIONS; OBSERVATIONS RECEIVED

This report has been communicated to the following organisations of employers and employees: