 Regulatory Policy Committee	Opinion	
Impact Assessment (IA)	Merchant Shipping (Maritime Labour Convention) (Food and Catering) Regulations	
Lead Department/Agency	Department for Transport	
Stage	Final	
IA number	DFT00027	
Origin	International	
Expected date of implementation (and SNR number)	20 August 2013 (SNR No.6)	
Date submitted to RPC	27/06/2013	
RPC Opinion date and reference	12/07/2013	RPC11-DFT-0873(2)
Overall Assessment	GREEN	
<p>RPC comments</p> <p>The IA is fit for purpose. The One-in, Two-out (OITO) assessment appears to be robust. Although impacts of the training requirements have been monetised, the IA could be improved by providing further justification for why the impacts of the other two requirements, for some ships to employ a Ship's Cook and guidelines in relation to food and water provisions, have not been monetised.</p>		
<p>Background (extracts from IA)</p> <p>What is the problem under consideration? Why is government intervention necessary?</p> <p>It is considered that seafarers should have access to a decent standard of food and catering. Employment conditions for seafarers vary across the world. Some seafarers work under unacceptable conditions and ship operators which operate substandard ships gain a competitive advantage. Effective international standards are needed to address this. The Maritime Labour Convention (MLC) aims to provide minimum living and working conditions for seafarers that are globally applicable and uniformly enforced, including on food and catering. Achieving this requires the MLC to be ratified by governments, which requires a package of new legislation in the UK. Ratifying the MLC in the UK would also avoid the costs of non-ratification.</p> <p>What are the policy objectives and the intended effects?</p> <p>The purpose of the 2013 Regulations is to promote decent living and working conditions for seafarers globally and a more level competitive playing field for shipping by bringing UK legislation into line with the minimum global standards for food and catering. Once the entire package of legislation is in place, this will enable UK ratification of the MLC, which would allow the MCA to issue certification to UK flagged ships, reducing potential delays in countries which have ratified the MLC; and to enforce these global minimum standards for food and catering on non-UK registered ships that call at UK ports. Specific objectives on food and catering for seafarers are found in the Evidence base.</p> <p>What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)</p> <p>The Government's social partners, the British Chamber of Shipping and the seafarers' Trade Unions, support prompt ratification of the MLC. Doing nothing is not therefore considered to be an appropriate course of action, as new legislation is required to enable the UK to ratify the</p>		

MLC. Failure to ratify the MLC would limit its effectiveness at addressing the issues on seafarer living and working conditions discussed above and would result in UK ships not being able to obtain MLC certification. The preferred policy option is therefore to introduce the 2013 Regulations (Policy Option 1) which would make the minimum changes to existing legislation to implement the provisions of the MLC on food and catering, taking into account existing UK legislation. No further measures have been deemed to be necessary and so only one Policy Option has been considered in this impact assessment.

Comments on the robustness of the OITO assessment

As this proposal is of international origin, and there is no evidence that the increase in regulation would go beyond minimum requirements, or of a failure to take available derogations which would reduce the costs to business, it is out of scope of One-in, Two-out (Better Regulation Framework Manual - paragraph 1.9.8. iii).

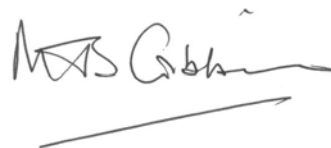
Comments on the robustness of the Small & Micro Business Assessment (SMBA)

As this proposal is of international origin, an SMBA is not required. The IA, however, provides a Small Firms Impact Test (section 9.4, pages 23-24). This states: *“As the MLC sets minimum standards for ‘decent work’ it does not generally make concessions in those standards.”* It also notes, that the *“impact should be limited in respect of small vessels because many are considered likely to operate within 60 miles of a safe haven in the UK with less [sic] than 10 crew.... On that basis, the requirement to have a Ship’s Cook will not apply.”*

Quality of the analysis and evidence presented in the IA

Monetisation of Costs. The IA monetises costs in relation to the requirements for training of cooks and catering staff, both for existing and new personnel. The two proposals that could require some ships to employ a Ship’s Cook and which make existing guidelines in relation to food and water provision mandatory have not been monetised. The IA explains why the impact of these proposals would be limited (ships with fewer than ten crew would be exempt from the requirement to have a Ship’s Cook and the majority of ships already follow the existing guidance on food and water provision). However, the IA should have provided specific justification for why it is not proportionate to monetise the impacts of these proposals. In addition, the IA could have explained further the potential impacts on business of the *“requirements for the Ship’s Cook to consider the religious and cultural needs of the seafarers”* (page 23).

Signed



Michael Gibbons, Chairman