 Regulatory Policy Committee	Opinion	
Impact Assessment (IA)	Merchant Shipping (Maritime Labour Convention) (Repatriation) Regulations	
Lead Department/Agency	Department for Transport	
Stage	Final	
IA number	DFT00071	
Origin	International	
Expected date of implementation (and SNR number)	20 August 2013 (SNR No.6)	
Date submitted to RPC	20/05/2013	
RPC Opinion date and reference	20/06/2013	RPC13-DFT-0876(2)
Overall Assessment	GREEN	
RPC comments <p>The IA is fit for purpose. The One-in, Two-out (OITO) assessment appears to be robust. Although none of the limited potential impacts of the proposal have been monetised, the assessment appears to be reasonable and proportionate.</p>		
Background (extracts from IA) What is the problem under consideration? Why is government intervention necessary? <p>It is considered that all seafarers should be repatriated when they finish working on ships. Employment conditions at sea 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 these issues. The Maritime Labour Convention 2006 (MLC) aims to provide minimum working conditions for seafarers that are globally applicable and uniformly enforced, including on repatriation. Achieving this aim 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> What are the policy objectives and the intended effects? <p>The policy objective is to ensure seafarers are repatriated when they finish working on ships, as part of the UK's implementation of the MLC, and to promote an international level playing field by a) bringing repatriation legislation for UK ships into line with the minimum global standards for repatriation provided for in the MLC, and b) (once the entire package is in place) enabling the UK to ratify the MLC. This will enable the MCA to issue MLC certification to UK-flagged ships, thereby reducing potential delays at ports in ratifying countries; and to enforce these minimum global standards for repatriation on non-UK registered ships that call at UK ports. Specific objectives for repatriation can be found in the Evidence Base.</p> What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base) <p>Doing nothing is not considered to be an appropriate course of action, as new legislation is required to enable the UK to ratify the MLC, and the British Chamber of Shipping and the seafarers' Trades Unions support ratification of the MLC. Failure to ratify the MLC would limit its effectiveness at addressing the issues on seafarer living</p>		

and working conditions discussed above and would result in UK ships not being able to obtain MLC certification, without which they may be subject to delays at ports in ratifying countries.

The preferred policy option is, therefore, to introduce the 2013 Regulations (Policy Option 1) which will make the minimum changes to existing legislation to implement the provisions of the MLC on repatriation. 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).

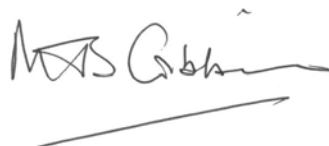
Comments on the robustness of the Small & Micro Business Assessment (SMBA)

As this proposal is not of domestic origin, an SMBA is not required. The IA, however, provides a Small Firms Impact Test and notes that *“operators of small vessels, many of which are micro- businesses or SMEs, have also confirmed to the MCA in meetings that the proposals reflect their current arrangements for repatriation of seafarers”* (page 7).

Quality of the analysis and evidence presented in the IA

The IA lists five areas where the proposed Regulations are not in full conformity with existing UK regulation. However, it explains, supported by evidence from the consultation, that these proposals reflect existing industry practice and that, therefore, there are not expected to be any significant costs. In the few areas where there could potentially be a small impact, a lack of data (e.g. on the number of existing repatriations) or evidence of cost from the consultation mean that it would not be possible to make meaningful estimates. A full qualitative description, however, is provided. On this basis, the assessment provided appears reasonable and proportionate.

Signed



Michael Gibbons, Chairman