



## International Marine Contractors Association

*Improving performance in the marine contracting industry*

52 Grosvenor Gardens, London SW1W 0AU, United Kingdom

VAT Registration No: GB 65 333 9823

Tel: +44 (0) 20 7824 5520

E-mail: [imca@imca-int.com](mailto:imca@imca-int.com)

Fax: +44 (0) 20 7824 5521

Web: [www.imca-int.com](http://www.imca-int.com)

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European Commission  
DG Employment, Social Affairs and Inclusion  
Unit B2  
Rue Joseph II, n°54  
B-1049 Brussels  
Belgium

Via email: [EMPL-CONSULTATION-WORKING-TIME@ec.europa.eu](mailto:EMPL-CONSULTATION-WORKING-TIME@ec.europa.eu)

Dear sir or madam,

### **Review of the Working Time Directive (Directive 2003/88/EC)**

The International Marine Contractors Association (IMCA) is the international association representing companies and organisations engaged in delivering offshore, marine and underwater solutions. IMCA members conduct the offshore marine construction operations that support energy projects, primarily in oil and gas but also in the renewable energy sector, in all the key offshore arenas. Our members operate a wide range of offshore support vessels, including dive support, pipe-lay and heavy lift vessels.

We are not intending to respond on the specific issues raised in the consultation questionnaire. However, we would like to take this opportunity to make some general statements about the Working Time Directive in relation to 'offshore work' and about the delineation between the 'seafarers' regime and the 'offshore work' regime for personnel working on offshore support vessels.

It is important that the Working Time Directive continues to be sufficiently flexible to take account of the special requirements of the offshore industry, especially the challenges of working in remote locations and the need to be able to enter into agreements that can be tailored to address the particular nature of offshore work patterns.

We also believe that the current delineation between 'offshore work' and the 'seafarers' regime should be maintained. Many of the personnel involved in providing offshore marine construction services on the EU continental shelves are employed on vessels and come under the 'seafarers' regime set out in Council Directive 1999/63/EC concerning the *Agreement on the organisation of working time of seafarers*. Those engaged in diving, whether from vessels or from offshore installations, and those providing other construction services on offshore installations will be subject to the 'offshore work' regime, which is covered by the Working Time Directive.

The reason for including diving within the 'offshore work' regime is that diving activities are regulated by the coastal state. Other activities on board vessels, however, are regulated by the vessel's flag state. This delineation is well understood in the offshore industry and, although the industry has evolved over the years, we are not aware from our members of any need to alter the current balance for vessels. We therefore assume that 'offshore work', as defined in Article 2(8) of Directive 2003/88/EC will continue to be subject to this Directive, and that other activities on board ships will continue to be subject to the sector-specific regime for 'seafarers'.

We hope these comments are helpful, but if you have any questions, please do not hesitate to contact me.

Yours sincerely,

Emily Comyn  
Technical Adviser (Regulatory Affairs)  
[Emily.Comyn@imca-int.com](mailto:Emily.Comyn@imca-int.com)