

# Maritime safety: minimum level of training of seafarers

2011/0239(COD) - 14/09/2011 - Legislative proposal

**PURPOSE:** to integrate into EU law the 2010 amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention).

**PROPOSED ACT:** Directive of the European Parliament and of the Council.

**BACKGROUND:** rules on training and certification of seafarers have been agreed at an international level by means of the **International Convention on Standards of Training, Certification and Watchkeeping for Seafarers** (STCW Convention), adopted in 1978 by conference at the International Maritime Organization (IMO), entered into force in 1984 and significantly amended in 1995.

**The STCW Convention has been integrated into Union law** for the first time by Council Directive 94/58/EC of 22 November 1994 on the minimum level of training of seafarers. Afterwards the EU rules on training and certification of seafarers have been adapted to the subsequent amendments to the Convention, while a common EU mechanism for the recognition of the systems of training and certification of seafarers in the third countries has been set up; lately, the rules of the Union on this matter have through a recast become [Directive 2008/106/EC of the European Parliament and of the Council](#).

In 2010 a Conference between the State Parties to the STCW Convention was held in Manila and **introduced several significant changes to the Convention**, namely on the prevention of fraudulent practices for certificates, in the field of medical standards, in the matter of training on security and with respect to training in technology-related matters. The Manila amendments have also introduced requirements for able seafarers and established new professional profiles, such as electro-technical officers.

The Manila amendments to the Convention will enter into force on 1 January 2012. From that date onwards maritime training will have to meet the new requirements. Since the EU Member States are also parties to the Convention, and none of them opposed the Manila amendments, they will have to **adapt their legislation to the new text of the Convention**.

**IMPACT ASSESSMENT:** no impact assessment was carried out. As for the proposed directive, the experts of the Member States were consulted on the review exercise in a meeting which was held in Brussels on 3 December 2010. On that occasion the Member States unanimously expressed their wish that the Manila amendments should be integrated into EU law, while they considered that no overhaul of the directive should be carried out.

**LEGAL BASIS:** Article 100(2) of the Treaty on the Functioning of the European Union.

**CONTENT:** the objective of the present proposal is to **integrate into EU law the 2010 amendments to the STCW Convention**, in order in particular to avoid any conflict between the international and the EU obligations of the Member States.

**New rules introduced following the Manila amendments:** the 2010 amendments regard both the "Regulations" annexed to the Convention and the more technical "Code", whose Part "A", as explained, is mandatory. The main amendments to the Convention, which are reflected in the present proposal, are:

- strengthened provisions concerning training and assessment, the issuance of certificates of competency, as well as for prevention of fraudulent practices;
- updated standards relating to medical fitness, fitness for duty as well as alcohol abuse;
- new requirements concerning certification for able seafarers, for electro-technical officers as well as security-related training for all seafarers;
- updated requirements for personnel on certain types of ships;
- clarification and simplification of the definition of "certificate".

In addition, the proposal has adapted the STCW provisions on watchkeeping, in order to bring them in line with the EU rules on working time for seafarers.

**Deadline for the recognition of third countries:** the proposal also aims to make more realistic the current three-month deadline for the recognition of third countries currently provided for in Article 19(3) of Directive 2008/106. This deadline shall be extended to **18 months**. This provision is about the timeframe available to the Commission to decide on the recognition of a third country following a request by a Member State.

**Providing the Commission with existing information on certificates:** a potential source of accurate data is the certificates and endorsements issued by the national administrations. Currently, under the STCW Convention State Parties are obliged to maintain registers of all certificates and endorsements and the relevant revalidations or other measures affecting them.

While this is an important source of data, the different formats used by each Member State do not allow for a complete picture.

Therefore, the present proposal foresees a new provision requiring the Member States to provide standardised information to the Commission for the purpose of statistical analysis. The detailed content of such information is presented in a technical annex to the present proposal.

**Adaptation to the new rules on "comitology":** the Treaty of Lisbon has introduced significant changes to the "comitology" mechanism. Under the new Treaty the procedure for technical adaptation of the directive is governed by the rules on "**delegated acts**", while the decisions on recognition of third countries by those on "**implementing acts**". The present proposal contains provisions to that effect.

**Entry into Force and Transitional Arrangements:** the amendments to the STCW Convention agreed at Manila will enter into force on 1 January 2012. Since at that point in time the present proposal will not have been adopted yet, it has been foreseen that the proposed directive should enter into force as soon as it is published in the Official Journal.

The Manila agreement also includes transitional arrangements. These arrangements allow for the renewal and revalidation of certificates issued before the entry into force of the amended Convention on 1 January 2012.

**BUDGETARY IMPLICATIONS:** this proposal has no implications for the Union budget.

**DELEGATED ACTS:** the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission.