Maritime safety: minimum level of training of seafarers

2011/0239(COD) - 23/10/2012 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 619 votes to 16, with 16 abstentions, a legislative resolution on the proposal for a Directive of the European Parliament and of the Council amending Directive 2008/106/EC of the European Parliament and of the Council on the minimum level of training of seafarers.

Parliament adopted its position at first reading in accordance with the ordinary legislative procedure. The amendments adopted in plenary are the result of a compromise negotiated between the European Parliament and the Council. They modify the proposal as follows:

The STCW Convention: the mended text stipulates that the training and certification of seafarers is regulated by the International Maritime Organisation (IMO) Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978 (‘the ’STCW Convention‘), which entered into force in 1984 and which was significantly amended in 1995.

The text also recalls the need to ensure that further delays in incorporating the Manila amendments in Union law are avoided, in order to maintain the competitiveness of seafarers from the Union as well as to uphold safety on-board ships through up-to-date training.

Definitions: a "**passenger ship**" means a ship as defined in the International Convention for the Safety of Life at Sea, 1974, as amended. A "**seagoing service**" means service on board a ship relevant to the issue or revalidation of a certificate of competency, certificate of proficiency or other qualification. Moreover, the definition of "**electro-technical rating**" is introduced.

Candidates for certification: they shall provide satisfactory proof:

- of their identity
- that their age is not less than that prescribed in the regulations listed in Annex I relevant to the certificate of competency of certificate of proficiency applied for;
- that they meet the standards of medical fitness specific in Section A-I/9 of the STCW Code;
- that they have completed the seagoing service and any related prescribed compulsory training (listed in the regulations listed in Annex I);
- that they meet the standards of competence prescribed in the regulations listed in Annex I for the capacities, functions and levels that are to be identified in the endorsement of the certificate of competency.

Information to the Commission: each Member State shall make available to the Commission on a yearly basis the information indicated in Annex V to this Directive on certificates of competency, endorsements attesting the recognition of certificates of competency as well as, on a voluntary basis, certificates of proficiency issued to ratings in accordance with the Annex to the STCW Convention,

Prevention of fraud and other unlawful practices: Member States shall take and enforce appropriate measures to prevent fraud and other unlawful practices involving certificates and endorsements issued, and shall provide for penalties that are effective, proportionate and dissuasive.

Fitness standards: each Member State shall establish standards of medical fitness for seafarers and procedures for the issue of a medical certificate, taking into account, as appropriate, Section B-I/9 of the STCW Code.

Revalidation of certificates of competency and certificates of proficiency: the amended text provides that each Member State shall: i) compare the standards of competence which are required of candidates for certificates of competency issued until 1 January 2017 with those specified for the relevant certificate of competency in Part A of the STCW Code, and ii) determine the need to require the holders of such certificates of competency to undergo appropriate refresher and updating training or assessment.

Fitness for duty: in accordance with Members' wishes, the provisions in regard to rest periods shall be **maintained also in the case of exercises**.

With due regard for the general principles of the protection of the health and safety of workers, and **in line with Directive 1999/63/EC**, Member States may, by means of national laws, regulations or a procedure for the competent authority, authorise or register collective agreements permitting exceptions to the required hours of rest provided that the rest period is no less than 70 hours in any seven-day period and respects the limits set out in the Directive. Such exceptions shall, as far as possible, follow the standards set out but may take account of more frequent or longer leave periods, or the granting of compensatory leave for watchkeeping seafarers or seafarers working on board ships on short voyages.

Recognition of certificates of competency and certificates of proficiency: seafarers who do not possess the certificates of competency issued by Member States and/or the certificates of proficiency issued by Member States to masters and officers in accordance with Regulations V/1-1 and V/1-2 of the STCW Convention, may be allowed to serve on ships flying the flag of a Member State provided that a decision on the recognition of their certificates of competency and certificates of proficiency has been adopted through the procedures set out in this Directive.

Port State control: irrespective of the flag it flies, each ship (with the exception of those types of ships excluded by Article 2), shall, while in the ports of a Member State, be subject to port State control by officers duly authorised by that Member State to verify that all seafarers serving on board who are required to hold a certificate of competency and/or a certificate of proficiency and/or documentary evidence under the STCW Convention, hold such a certificate of competency or valid dispensation and/or certificate of proficiency and/or documentary evidence.

Information for statistical purposes: as called for by Parliament, amendments were adopted relating to:

- strengthening the obligation on the Commission to use the information communicated to it by Member States for the **purposes of statistical analysis only** and in accordance with Union requirements regarding data protection;.

- guaranteeing that processed statistics drawn up on the basis of such information are made **publicly available** in accordance with the provisions on transparency and protection of information;

- strengthening the requirement to communicate anonymised data only in order to respect **data protection** in the context of the gathering of statistics on seafarers.

Delegated acts: the Commission shall be empowered to adopt delegated acts amending Annex V to this Directive with respect to specific and relevant content and details of the information that needs to be reported by Member States provided that such acts are limited to taking into account the amendments to the STCW Convention and Code and respect the safeguards on data protection.

The delegation of power shall be conferred on the Commission for a period of five years from the date of entry into force of the Directive (a period that may be extended for periods of identical duration).