Minimum level of training of seafarers

2018/0162(COD) - 12/07/2019 - Final act

PURPOSE: to simplify the rules for the training of seafarers and the issue of certificates.

LEGISLATIVE ACT: Directive (EU) 2019/1159 of the European Parliament and of the Council amending Directive 2008/106/EC on the minimum level of training of seafarers and repealing Directive 2005/45/EC on the mutual recognition of seafarers' certificates issued by the Member States.

CONTENT: the Directive amending Directive 2008/106/EC aims to align European standards with the rules of the International Convention on Minimum Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as revised (STCW Convention) defined under the auspices of the International Maritime Organisation (IMO).

Objectives

The reformed regulatory framework shall:

- increase the level of knowledge and skills of EU seafarers by improving maritime training and issuance of certificates in accordance with international rules and technological developments;

- facilitate the movement of seafarers within the Union in order to make the Union's maritime transport sector attractive for future generations;

- make the centralised mechanism for the recognition of seafarers' certificates issued from third countries more effective and to enhance legal clarity with regard to the mutual recognition of seafarers' certificates issued by Member States.

Mutual recognition of seafarers' certificates issued by Member States

The new rules specify which certificates shall be mutually recognised so that seafarers whose certificates have been issued by an EU Member State can work on board ships flying the flag of another EU Member State.

Every Member State shall accept certificates of proficiency and documentary evidence issued by another Member State, or under its authority, in hard copy or in digital format, for the purpose of allowing seafarers to serve on ships flying its flag. The endorsement attesting the recognition shall be limited to the capacities, functions and levels of competency or proficiency prescribed therein. It shall only be issued if all requirements of the STCW Convention have been complied with.

Host Member States shall ensure that decisions on mutual recognition are taken within a reasonable time. In addition, they shall ensure that seafarers have the right to appeal against any refusal to endorse or accept a valid certificate, or the absence of any response, in accordance with national legislation and procedures and that seafarers are provided with adequate advice and assistance regarding such appeals in accordance with established national legislation and procedures.

Recognition of seafarers' certificates issued by third countries

As part of the EU's common mechanism for the recognition of seafarers' certificates issued by third countries, the Commission shall regularly monitor whether EU Member States and third countries comply

with the requirements of the EU Directive and the STCW Convention. The amending directive streamlines the procedure for the recognition of new third countries and revises the deadlines.

The Commission shall process without delay the application for recognition of a third country's certificates of competence submitted by a Member State and take a decision on the opening of the evaluation of the training and qualifications system in the third country within a reasonable time.

When a positive decision for initiating the assessment has been adopted, the Commission shall carry out an assessment of the training and certification systems in the third country for which the request for recognition was submitted, in order to verify that the country concerned meets all the requirements of the STCW Convention and that appropriate measures have been taken to prevent issuance of fraudulent certificates, and to consider whether it has ratified the Maritime Labour Convention, 2006.

Where the Commission concludes that all those requirements are fulfilled, it shall adopt implementing acts laying down its decision on the recognition of a third country.

Re-examination

If there are no endorsements attesting recognition issued by a Member State in relation to certificates of competency or certificates of proficiency issued by a third country for a period of more than eight years, the recognition of that country's certificates shall be re-examined.

Third countries that have been recognised in accordance with the recognition procedure shall be regularly reassessed, and at the latest 10 years after the last assessment, by the Commission, with the assistance of the European Maritime Safety Agency.

Evaluation report

By 2 August 2024 at the latest, the Commission shall submit to the European Parliament and the Council an evaluation report containing proposals for follow-up measures to be taken in the light of that evaluation. The Commission shall also assess any developments regarding the further consideration of the European Maritime Diplomas of Excellence, in accordance with the recommendations made by the social partners.

In order to cultivate and develop the skills and qualifications of seafarers under a European flag, an exchange of good practices between Member States is necessary. The education and training of seafarers should fully benefit from the opportunities provided by the Erasmus+ programme.

ENTRY INTO FORCE: 1.8.2019.

TRANSPOSITION: no later than 2.8.2021.