Basic information

2011/0239(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Maritime safety: minimum level of training of seafarers Amending Directive 2008/106/EC 2007/0219(COD) **Subject** 3.20.03.01 Maritime safety 3.20.10 Transport undertakings, transport industry employees 3.20.15.06 Maritime or inland transport agreements and cooperation 4.15.06 Professional qualifications, recognition of qualifications 4.40.15 Vocational education and training	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	SIMPSON Brian (S&D)	11/10/2011
	Shadow rapporteur KOUMOUTSAKOS Georgios (PPE) UGGIAS Giommaria (ALDE) TAYLOR Keith (Verts/ALE) ROSBACH Anna (ECR) TOUSSAS Georgios (GUE/NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
EMPL Employment and Social Affairs	CHRISTENSEN Ole (S&D)	05/10/2011

Council of the European Union

Council configuration	Meetings	Date
Economic and Financial Affairs ECOFIN	3198	2012-11-13
Transport, Telecommunications and Energy	3134	2011-12-12

European Commission

Commission DG	Commissioner
Mobility and Transport	KALLAS Siim

European Economic and Social Committee
European Committee of the Regions

Key events

Date	Event	Reference	Summary
14/09/2011	Legislative proposal published	COM(2011)0555	Summary
15/09/2011	Committee referral announced in Parliament, 1st reading		
12/12/2011	Debate in Council		Summary
08/05/2012	Vote in committee, 1st reading		
11/05/2012	Committee report tabled for plenary, 1st reading	A7-0162/2012	Summary
23/10/2012	Decision by Parliament, 1st reading	T7-0384/2012	Summary
23/10/2012	Results of vote in Parliament		
13/11/2012	Act adopted by Council after Parliament's 1st reading		
21/11/2012	Final act signed		
21/11/2012	End of procedure in Parliament		
14/12/2012	Final act published in Official Journal		

Technical information

Procedure reference	2011/0239(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Amending Directive 2008/106/EC 2007/0219(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 100-p2
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/7/06835

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE480.581	08/02/2012	
Amendments tabled in committee		PE486.183	02/04/2012	

Committee opinion	EMPL	PE480.883	02/05/2012	
Committee report tabled for plenary, 1st reading/single reading		A7-0162/2012	11/05/2012	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0384/2012	23/10/2012	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00040/2012/LEX	21/11/2012	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2011)0555	14/09/2011	Summary
Commission response to text adopted in plenary	SP(2012)767	15/11/2012	
Follow-up document	SWD(2018)0018	10/01/2018	
Follow-up document	SWD(2018)0019	10/01/2018	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2011)0555	24/11/2011	
Contribution	IT_SENATE	COM(2011)0555	12/12/2011	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Directive 2012/0035
OJ L 343 14.12.2012, p. 0078 Summary

Maritime safety: minimum level of training of seafarers

2011/0239(COD) - 12/12/2011

The Council agreed a **general approach** on updating a 2008 directive defining the minimum level of training for seafarers, with a view to aligning EU legislation with recent amendments to the International Convention on Standards of Training, Certification and Watch keeping for Seafarers (STCW).

The 2008 directive provides for the transposition into EU law of this Convention, which was adopted by the International Maritime Organisation (IMO) and to which all EU Member States are parties.

Two delegations raised certain issues, while supporting the general approach. The first voiced its concerns regarding the requirement to send the Commission information on certificates for statistical purposes. The other delegation considered that there were legal uncertainties in the text and invited the Commission to address this problem in a future recast of the EU's STCW Directive,

The amendments to the STCW agreed by the IMO in 2010, which enter into force in 2012 (with transitional arrangements until 2017), include provisions on:

- updated standards for medical fitness and fitness for duty, including as regards alcohol abuse;
- the establishment of the new professional profiles of "able seafarers", "electro-technical officers" and "electro-technical ratings";
- security-related training for all seafarers;
- clearer and simpler definition of certificates, and
- prevention of fraudulent practices relating to certificates.

The draft directive incorporates these amendments into EU law, while adapting the STCW provisions on watch keeping in order to bring them into line with EU rules on working time for seafarers.

In addition, the draft directive extends the time frame available to the Commission for deciding on the recognition of the training and certification systems of non-EU countries from three to eighteen months, as the three-month deadline has proved impracticable.

The new text also provides for the collection of information on seafarers' certificates for statistical purposes, as a tool for policy-making in this sector.

Maritime safety: minimum level of training of seafarers

2011/0239(COD) - 11/05/2012 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Transport and Tourism adopted its report relating to a Directive of the European Parliament and Council amending Directive 2008 /106/EC defining the minimum level of training for seafarers.

The committee recommends that the European Parliament's position, adopted at first reading following the ordinary legislative procedure, should be to amend the Commission proposal as follows:

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.

Medical fitness: an amendment clarifies that this can only be ascertained with reference to the specific duties to be performed.

Rule I/8 of the International Convention on the Standards of Training, Certification & Watchkeeping (STCW Convention): members underline that the relevant sections of Part A of the STCW Code apply.

Quality standards and systems of quality standards: these should be developed and implemented taking into account, where applicable, the Recommendation of the European Parliament and of the Council of 18 June 2009 on the establishment of a European Quality Assurance Reference Framework for Vocational Education and Training and related measures adopted by the Member States.

Medical standards: the guidance given in section B-I/9 of the STCW Code should also be taken into account when establishing medical standards.

Multilingualism: Members consider it essential that amendments to national and international rules on the safety of human life at sea and the protection of the marine environment are understood by all members of the crew, whatever their nationality and mother tongue. Reference should accordingly be made to the principle of multilingualism established in the Directive.

Company responsibilities: companies must be able to guarantee that officers and crew have the necessary skills to operate the vessel under normal circumstances and in emergency situations.

Fitness for duty: Members consider that the requirements for rest periods need to be **maintained also in the case of drill**.

Exceptions to the required hours of rest provided for in paragraphs 4 and 5 of this Article for seafarers who are assigned duty as officer in charge of a watch or as rating forming part of a watch or those whose duties involve designated safety, prevention of pollution and security duties may be allowed in accordance with **Directive 1999/63/EC**, which implements an agreement between European social partners.

Statistical data: the proposed amendments aim to:

- reinforce the obligation on the Commission to use the data provided by Member States solely for the **purpose of statistical analysis** and in accordance with the data protection requirements of the Union;

- statistics elaborated should be **publicly available**;
- reinforces the need for data to be provided in an **anonymised format**, safeguarding data protection in the collection of statistics on the seafarer profession.

Delegated acts: one amendment concerns bringing the legislative text up to date with the revised comitology provisions introduced in light of the Lisbon Treaty. Members propose new wording in order to better reflect the 2011 inter-institutional common understanding on delegated acts.

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.

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).

Maritime safety: minimum level of training of seafarers

2011/0239(COD) - 21/11/2012 - Final act

PURPOSE: to align the current rules of the Union on the training of seafarers with international rules on the training and certification of the latter.

LEGISLATIVE ACT: Directive 2012/35/EU of the European Parliament and of the Council amending Directive 2008/106/EC on the minimum level of training of seafarers

CONTENT: the Council adopted a directive defining the minimum level of training for seafarers following the approval by the European Parliament of the agreement reached in the negotiations between the two institutions.

The directive **aims to align EU legislation with recent amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention).** It updates the 2008 Directive on training for seafarers, which provides for the transposition of the STCW into EU law.

The amendments to the STCW Convention agreed by the International Maritime Organisation (IMO) in 2010 concern in particular:

- the standards for medical fitness and fitness for duty;
- the establishment of new professional profiles;
- security-related training;
- the definition of certificates; and
- the prevention of fraudulent practices relating to certificates.

The new Directive incorporates these amendments into EU law, while adapting the provisions of the STCW Convention on watchkeeping in order to **bring them into line with EU rules on working time for seafarers.**

Training: Member States must take the necessary measures to ensure that seafarers serving on ships are trained as a minimum in accordance with the requirements of the STCW Convention.

Certificates of competency, certificates of proficiency and endorsements: the text stipulates that Candidates for certification 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 or certificate of proficiency applied for;
- that they meet the standards of medical fitness, specified in Section A-I/9 of the STCW Code;
- that they have completed the seagoing service and any related compulsory training prescribed in the Regulations listed in Annex I for the certificate of competency or certificate of proficiency applied for; and
- 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.

Each Member State shall undertake:

- to maintain a register or registers of all certificates of competency and certificates of proficiency and endorsements for masters and officers and, where applicable, ratings which are issued, have expired or have been revalidated, suspended, cancelled or reported as lost or destroyed, as well as of dispensations issued;
- to make available information on the status of certificates of competency, endorsements and dispensations to other Member States or other Parties to the STCW Convention and companies which request verification of the authenticity and validity of certificates. As of 1 January 2017, the information required shall be made available by electronic means.

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, and endorsements attesting the recognition of certificates of competency, for the purposes of statistical analysis only and exclusively for use by Member States and the Commission in policy-making.

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.

Medical standards: each Member State shall establish standards of medical fitness for seafarers and procedures for the issue of a medical certificate in accordance with the Directive and Section A-I/9 of the STCW Code. They shall ensure that those responsible for assessing the medical fitness of seafarers **are medical practitioners recognised** by that Member State for the purpose of seafarer medical examinations.

Fitness for duty: for the purpose of preventing fatigue, Member States shall establish and enforce **rest periods** for watchkeeping personnel and those whose duties involve designated safety, security and prevention of pollution duties.

All persons who are assigned duty as officer in charge of a watch or as a rating forming part of a watch, and those whose duties involve designated safety, prevention of pollution and security duties shall be provided with a rest period of **not less than:**

- **a minimum of 10 hours of rest in any 24-hour period; and**
- **77 hours in any seven-day period.**

The requirements for rest periods need not be maintained in the case of an emergency or in other overriding operational conditions. **Musters, fire fighting and lifeboat drills, and drills prescribed by national laws and regulations and by international instruments**, shall be conducted in a manner that minimises the disturbance of rest periods and does not induce fatigue.

In this connection, it is recalled that Parliament wanted provisions on rest periods to apply also to operational 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 (which implements an agreement between the social partners) 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.

Recognition of certificates of competency and certificates of proficiency: the Directive extends the timeframe available to the Commission for deciding on the recognition of the training and certification systems of non-EU countries **from three to eighteen months**, as the three-month deadline has proved impracticable

Statistical information: the new Directive also provides for the collection of information on seafarers' certificates for statistical purposes, as a tool for policymaking in this sector. As requested by Parliament, the Directive:

- requires 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;.
- guarantees that processed statistics drawn up on the basis of such information are made **publicly available**;
- strengthens the requirement to communicate **anonymised data** only in order to respect data protection in the context of the gathering of statistics on seafarers.

ENTRY INTO FORCE: 03/01/2013.

TRANSPOSITION: 04/07/2014 and 04/01/2015 (regarding information to the Commission).

DELEGATED ACTS: the Commission is empowered to adopt delegated acts in order to gather data on the seafaring profession in line with its evolution and with that of technology. The delegation of power shall be conferred on the Commission for a **period of five years from 3 January 2013** (which may be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension.) A delegated act shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **two months** of notification of that act. That period shall be extended by two months at the initiative of the European Parliament or the Council.