Basic information

2013/0285(NLE) NLE - Non-legislative enactments Decision	Procedure completed
International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (1995) of the International Maritime Organisation (IMO): signing and/or ratification by Member States **Subject** 3.15.08 Fishing enterprises, fishermen, working conditions on board 3.20.15.06 Maritime or inland transport agreements and cooperation 4.15.06 Professional qualifications, recognition of qualifications	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
EMPL Employment and Social Affairs	RIBEIRO Sofia (PPE)	17/09/2014
	Shadow rapporteur GENTILE Elena (S&D) GERICKE Arne (ECR) TØRNÆS Ulla (ALDE) ZUBER Inês Cristina (GUE/NGL) DELLI Karima (Verts/ALE)	

Former committee responsible	Former rapporteur	Appointed
EMPL Employment and Social Affairs		

Committee for opinion	Rapporteur for opinion	Appointed
TRAN Transport and Tourism	The committee decided not to give an opinion.	
PECH Fisheries	The committee decided not to give an opinion.	

Former committee for opinion	Former rapporteur for opinion	Appointed

	TRAN Transport and Tourism		
	PECH Fisheries		

Council of the European Union	
European Commission	

Commission DG	Commissioner
Maritime Affairs and Fisheries	VELLA Karmenu

Key events

Date	Event	Reference	Summary
20/08/2013	Preparatory document	COM(2013)0595	Summary
17/12/2014	Legislative proposal published	15528/2014	Summary
12/01/2015	Committee referral announced in Parliament		
24/03/2015	Vote in committee		
26/03/2015	Committee report tabled for plenary, 1st reading/single reading	A8-0064/2015	Summary
28/04/2015	Decision by Parliament	T8-0097/2015	Summary
28/04/2015	Results of vote in Parliament		
18/05/2015	Act adopted by Council after consultation of Parliament		
18/05/2015	End of procedure in Parliament		
22/05/2015	Final act published in Official Journal		

Technical information

Procedure reference	2013/0285(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the European Union TFEU 046 Treaty on the Functioning of the European Union TFEU 062 Treaty on the Functioning of the European Union TFEU 218-p6a Treaty on the Functioning of the European Union TFEU 043-p2 Treaty on the Functioning of the European Union TFEU 153-p1
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/8/00215

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE549.095	05/02/2015	
Committee report tabled for plenary, 1st reading/single reading		A8-0064/2015	26/03/2015	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0097/2015	28/04/2015	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	15528/2014	17/12/2014	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2013)0595	20/08/2013	Summary

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Decision 2015/0799
OJ L 127 22.05.2015, p. 0020 Summary

International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (1995) of the International Maritime Organisation (IMO): signing and/or ratification by Member States

2013/0285(NLE) - 20/08/2013

PURPOSE: to authorise Member States to sign and/or ratify, in the interest of the European Union, the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995, of the International Maritime Organisation (IMO).

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the Convention of the International Maritime Organisation on Standards of Training, Certification and Watch-keeping for Fishing Vessel Personnel (the 'IMO' and 'the STCW-F Convention' respectively), was adopted on 7 July 1995 at the International Conference convened by the IMO in London at which delegations of 22 attending Member States voted in favour of its adoption.

The objective of the STCW-F Convention is to ensure that personnel on board fishing vessels are qualified (as proven by an official certificate) and fit for the job (following medical examination), so that potential threats to safety of life and/or property at sea or to the marine environment are minimised during operations on board sea-going vessels, bearing in mind that fishing at sea is one of the most hazardous professions.

Another aim of the Convention is to achieve and maintain a level playing field in the fisheries sector by fostering vocational education.

Pursuant to the right of freedom of movement of workers, in matters of professional qualifications, Directive 2005/36/EC sets clear rules on mutual recognition between Member States under the so-called "general system of recognition". The Directive applies to EU nationals wishing to pursue a profession in another Member State where this profession is regulated, except where, for a given profession and in accordance of the principle of *lex specialis,* other specific rules directly related to the recognition of professional qualifications are laid down by a separate piece of legislation under EU law.

The STCW-F Convention does not lay down a system of recognition of professional qualifications similar to the one established by Directive 2005/36 /EC. On the contrary, **the STCW-F Convention does not admit the use of certificates issued by States that are not party to the Convention**. However, Member States are under the obligation to comply with EU law, namely to the provisions contained in Directive 2005/36/EC.

In accordance with case law of the Court of Justice on external competence, the Member States are not allowed to ratify the STCW-F Convention **without European Union authorisation** as the provisions concerning the recognition of regulated professions pursed by EU nationals on board fishing vessels affect the exercise of the European Union's exclusive competence in this area.

As regards those Member States that have already ratified the Convention before the entry into force of the proposed Decision, they are required to deposit with the IMO Secretary-General a statement whereby they **acknowledge that EU law shall prevail in case of conflict in relations between Member States**.

Against this background, it is now appropriate, in the interest of the Common Fisheries Policy, to authorise the Member States to sign and/or ratify the international Convention on Standards of Training, Certification and Watch-keeping for Fishing Vessel Personnel, 1995, of the International Maritime Organisation.

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASIS: Article 43(2), 46, 53(1) and 62 in conjunction with Article 218(6)(a)(v) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: with this proposed Decision, the Commission proposes that the Member States are authorised to sign and/or ratify the international Convention on Standards of Training, Certification and Watch-keeping for Fishing Vessel Personnel, 1995, of the International Maritime Organisation, adopted on 7 July 1995, for the parts falling under the European Union's competence.

The authorisation to the Member States shall be granted on condition that they formulate a reservation when depositing their instrument of ratification to the effect that European Union law shall **continue to be applied in their mutual relations**.

Those Member States that have already ratified the Convention, shall submit a statement to the Secretary-General of IMO whereby they state that Union law relating to recognition of professional qualifications applies in relations between Member States.

The proposed Decision will therefore enable and encourage Member States to take all the necessary steps for ratification without further delay.

BUDGETARY IMPLICATION: this proposal has no implications for the EU budget.

International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (1995) of the International Maritime Organisation (IMO): signing and/or ratification by Member States

2013/0285(NLE) - 17/12/2014 - Legislative proposal

PURPOSE: to authorise Member States to become party, in the interest of the European Union, to the International Convention of 1995 on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, of the International Maritime Organisation (IMO).

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: the Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel was adopted on 7 July 1995 at the International Conference convened by the IMO in London, where 74 governments participated, 22 of which were Member States of the EU. The Convention entered into force on 29 September 2012.

The Convention represents a significant contribution to the fishing sector at international level by promoting the safety of life and property at sea, thereby also contributing to the protection of the marine environment. Fishing at sea is one of the most hazardous professions, and therefore, appropriate training and qualifications are an essential means by which to cut the number of accidents.

The Union cannot become party to the Convention, as only states can be parties thereto. Some Member States have not yet become party to the Convention, while others already Have done so. Those Member States which have fishing vessels flying their flag, ports receiving seagoing fishing vessels which fall within the scope of the Convention, or training institutions for fishing vessel personnel, and which have not yet become party to the Convention, are invited to do so.

CONTENT: under the proposal, Member States would be authorised to become party to the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, of the International Maritime Organisation, adopted on 7 July 1995, in respect of those parts falling under the competence of the Union.

When reporting to the Secretary-General of the IMO, Member States shall, if appropriate, with provide information on relevant national provisions regarding the recognition of certificates of competency of personnel on board fishing vessels covered by the Convention, taking into account obligations laid down by relevant Union law on the recognition of qualifications.

Member States which have fishing vessels flying their flag, ports receiving seagoing fishing vessels which fall within the scope of the Convention, or training institutions for fishing vessel personnel, and which have not yet become party to the Convention, shall endeavour to take the necessary steps to deposit their instrument of accession to the Convention with the Secretary-General of the IMO within a reasonable time and, if possible, within two years following the publication of the Decision.

International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (1995) of the International Maritime Organisation (IMO): signing and/or ratification by Member States

2013/0285(NLE) - 20/08/2013 - Preparatory document

PURPOSE: to authorise Member States to sign and/or ratify, in the interest of the European Union, the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995, of the International Maritime Organisation (IMO).

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the Convention of the International Maritime Organisation on Standards of Training, Certification and Watch-keeping for Fishing Vessel Personnel (the 'IMO' and 'the STCW-F Convention' respectively), was adopted on 7 July 1995 at the International Conference convened by the IMO in London at which delegations of 22 attending Member States voted in favour of its adoption.

The objective of the STCW-F Convention is to ensure that personnel on board fishing vessels are qualified (as proven by an official certificate) and fit for the job (following medical examination), so that potential threats to safety of life and/or property at sea or to the marine environment are minimised during operations on board sea-going vessels, bearing in mind that fishing at sea is one of the most hazardous professions.

Another aim of the Convention is to achieve and maintain a level playing field in the fisheries sector by fostering vocational education.

Pursuant to the right of freedom of movement of workers, in matters of professional qualifications, Directive 2005/36/EC sets clear rules on mutual recognition between Member States under the so-called "general system of recognition". The Directive applies to EU nationals wishing to pursue a profession in another Member State where this profession is regulated, except where, for a given profession and in accordance of the principle of *lex specialis,* other specific rules directly related to the recognition of professional qualifications are laid down by a separate piece of legislation under EU law.

The STCW-F Convention does not lay down a system of recognition of professional qualifications similar to the one established by Directive 2005/36 /EC. On the contrary, **the STCW-F Convention does not admit the use of certificates issued by States that are not party to the Convention**. However, Member States are under the obligation to comply with EU law, namely to the provisions contained in Directive 2005/36/EC.

In accordance with case law of the Court of Justice on external competence, the Member States are not allowed to ratify the STCW-F Convention **without European Union authorisation** as the provisions concerning the recognition of regulated professions pursed by EU nationals on board fishing vessels affect the exercise of the European Union's exclusive competence in this area.

As regards those Member States that have already ratified the Convention before the entry into force of the proposed Decision, they are required to deposit with the IMO Secretary-General a statement whereby they **acknowledge that EU law shall prevail in case of conflict in relations between Member States**.

Against this background, it is now appropriate, in the interest of the Common Fisheries Policy, to authorise the Member States to sign and/or ratify the international Convention on Standards of Training, Certification and Watch-keeping for Fishing Vessel Personnel, 1995, of the International Maritime Organisation.

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASIS: Article 43(2), 46, 53(1) and 62 in conjunction with Article 218(6)(a)(v) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: with this proposed Decision, the Commission proposes that the Member States are authorised to sign and/or ratify the international Convention on Standards of Training, Certification and Watch-keeping for Fishing Vessel Personnel, 1995, of the International Maritime Organisation, adopted on 7 July 1995, for the parts falling under the European Union's competence.

The authorisation to the Member States shall be granted on condition that they formulate a reservation when depositing their instrument of ratification to the effect that European Union law shall **continue to be applied in their mutual relations**.

Those Member States that have already ratified the Convention, shall submit a statement to the Secretary-General of IMO whereby they state that Union law relating to recognition of professional qualifications applies in relations between Member States.

The proposed Decision will therefore enable and encourage Member States to take all the necessary steps for ratification without further delay.

BUDGETARY IMPLICATION: this proposal has no implications for the EU budget.

International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (1995) of the International Maritime Organisation (IMO): signing and/or ratification by Member States

2013/0285(NLE) - 26/03/2015 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Employment and Social Affairs adopted the report by Sofia RIBEIRO (PPE, PT) on the draft Council decision authorising Member States to become party, in the interest of the European Union, to the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, of the International Maritime Organization.

The parliamentary committee recommended that the European Parliament **gives its consent** to the draft Council decision.

To recall, the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F Convention) was adopted by the International Maritime Organisation (IMO) in London on 7 July 1995; with 74 participating governments, including those of 22 of the present EU Member States. To date, four Member States to date (Spain, Denmark, Latvia, and Lithuania) have ratified this convention.

Its objective is to ensure that personnel sailing on fishing vessels are qualified (as evidenced by official certificates) and fit for the job (on the strength of a medical certificate), so that potential threats to safety of life and/or property at sea or to the marine environment can, wherever possible, be minimised when operations are being carried out on seagoing vessels. The EU as such cannot ratify the STCW-F Convention, the power to do so being accorded solely to Member States. However, following the precedent set by the Court of Justice as regards external competence (AETR), Member States are not allowed to ratify the STCW-F Convention without EU authorisation.

The decision under consideration is intended to enable Member States to ratify the STCW-F Convention without encroaching on the EU’s exclusive competence regarding the recognition of regulated professions pursed by EU nationals on board fishing vessels.

International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (1995) of the International Maritime Organisation (IMO): signing and/or ratification by Member States

2013/0285(NLE) - 18/05/2015 - Final act

PURPOSE: to authorise Member States to sign and/or ratify, in the interest of the European Union, the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995, of the International Maritime Organisation (IMO).

LEGISLATIVE ACT: Council Decision (EU) 2015/799 authorising Member States to become party, in the interest of the European Union, to the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, of the International Maritime Organization.

BACKGROUND: the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (the STCW Convention) of the International Maritime Organization (IMO) was adopted on 7 July 1995 at the International Conference convened by the IMO in London. 74 participating governments included those of 22 of the present EU Member States.

It entered into force on 29 September 2012.

The Convention represents a significant contribution to the fishing sector at international level by promoting the safety of life and property at sea, thereby also contributing to the protection of the marine environment. It is therefore desirable that its provisions be implemented as soon as possible.

Fishing at sea is one of the most hazardous professions, therefore **appropriate training and qualifications** are an essential means by which to cut the number of accidents.

Member States should make every effort to avoid friction between international and Union law, including any possible negative impact on the conclusion and the implementation of the Agreements, when applying the Convention. Furthermore, relevant third countries should be encouraged to become parties to the Convention.

CONTENT: under this Decision, Member States are hereby authorised to become party to the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, of the International Maritime Organization, adopted on 7 July 1995, in respect of those parts falling under the competence of the Union.

The authorisation to the Member States shall be granted on condition that they formulate a reservation when depositing their instrument of ratification to the effect that **European Union law shall continue to be applied in their mutual relation**s.

Those Member States that have already ratified the Convention, shall submit a statement to the Secretary-General of IMO whereby they state that Union law relating to recognition of professional qualifications applies in relations between Member States.

Report on the implementation: Member States which have fishing vessels flying their flag, ports receiving seagoing fishing vessels which fall within the scope of the Convention, or training institutions for fishing vessel personnel, and which have not yet become party to the Convention, shall endeavour to take the necessary steps to deposit their instrument of accession to the Convention with the Secretary-General of the IMO within a reasonable time and, if possible, **by 23 May 2017**.

Until all Member States which have fishing vessels flying their flag, ports receiving seagoing fishing vessels which fall within the scope of the Convention, or training institutions for fishing vessel personnel have become party to the Convention, each Member State party to the Convention should apply the flexibility provided by the Convention to ensure legal compatibility with Union law, notably the provisions of Chapter I, Regulation 10 of the Annex to the Convention on equivalents, to align the application of the Convention with Directive 2005/36/EC

The Commission shall present a report to the Council reviewing the progress of accession by 23 May 2018

ENTRY INTO FORCE: 18.05.2015.

International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (1995) of the International Maritime Organisation (IMO): signing and/or ratification by Member States

2013/0285(NLE) - 28/04/2015 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 621 votes to 10, with 12 abstentions, a European Parliament legislative resolution on the draft Council decision authorising Member States to become party, in the interest of the European Union, to the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, of the International Maritime Organization.

The European Parliament **gave its consent** to the draft Council decision.

The decision under consideration is intended to enable Member States to ratify the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F Convention) without encroaching on the EU's exclusive competence regarding the recognition of regulated professions pursed by EU nationals on board fishing vessels.

The STCW-F Convention was adopted by the International Maritime Organisation (IMO) in London on 7 July 1995; the 74 participating governments included those of 22 of the present EU Member States. The STCW-F Convention has been ratified by four Member States to date (Spain, Denmark, Latvia, and Lithuania).

The object of the STCW-F Convention is to ensure that personnel sailing on fishing vessels are qualified (as evidenced by official certificates) and fit for the job (on the strength of a medical certificate), so that potential threats to safety of life and/or property at sea or to the marine environment can, wherever possible, be minimised when operations are being carried out on seagoing vessels.